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Block 'G'
Acc. No. 25491
Dated 11.02.2

LOK SABHA

Tuesday, 22nd November, 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

टाटा इलैक्ट्रिक लोकोमोटिव कम्पनी

*४६. **श्री एम० एल० द्विवेदी** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि टैलको ने अपनी क्षमता का कुछ अंश मोटरकारों और ट्रकों आदि के इंजिन बनाने में लगा दिया है जिसके फलस्वरूप करार के अनुसार लोकोमोटिव इंजिन बनाने के कार्य में गतिरोध हो गया है;

(ख) क्या यह सच है कि रेलों के लिये अलग रखी गई राशि का उपयोग कर टैलको ने यह कार्य आरम्भ किया है; और

(ग) लोक लेखा समिति के सुझाव पर कि टैलको के कार्यकरण की जांच विशेषज्ञों के दल द्वारा की जानी चाहिये, सरकार ने क्या कार्यवाही की है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेसन) : (क) टैलको का आटोमोबील विभाग उसके रेल-इंजिन विभाग (लोकोमोटिव डिवीजन) से बिल्कुल अलग है और इन दोनों की क्षमता भी अलग अलग है। यह कहना ठीक नहीं है कि आटोमोबील विभाग के कारण रेल के इंजिन बनाने में अड़चन पड़ी है।

(ख) यह सही नहीं है क्योंकि दोनों विभागों के हिसाब-किताब अलग अलग रखे जाते हैं। रेल इंजिन और बॉयलर

बनाने के साधनों का जितना उपयोग दूसरे सामान तैयार करने में किया जाता है, इंजिन और बॉयलर पर कारखाने के ऊपरी खर्च उतने ही कम हो जाते हैं।

(ग) इसके बारे में टैरिफ कमीशन को लिखा गया है और आशा है कि बाहर के दो-एक टैकनिकल विशेषज्ञ इस जांच में कमीशन की सहायता करेंगे।

श्री एम० एल० द्विवेदी : मैं जानना चाहता हूं कि टैलको में प्रति वर्ष कितने इंजिन बनाने के लिये समझौता हुआ था और अभी तक प्रति वर्ष कितने इंजिन उन्होंने बनाये हैं, और उनके बनाने के लिये जो अवधि मुकर्रर की गई थी उस अवधि में वह इंजिन क्यों नहीं बन पाये ?

Shri Alagesan : It is true that there were some initial delays in the manufacture of these engines. I have got figures of the engines manufactured at TELCO over the various years beginning from 1951-52. In 1954-55 they reached the production figure of forty-seven, whereas the target was only fifty; they almost reached the target. And in this year they are expected to reach it fully. Now they are producing to the full target.

श्री एम० एल० द्विवेदी : मैं जानना चाहता हूं कि इसी के समान जो दूसरा कारखाना चित्तरंजन में खुला है उसमें इसी समय में कितनी प्रगति हो चुकी है और इस कारखाने में उसके मुकाबले में उतनी प्रगति क्यों नहीं हो पाई ?

Shri Alagesan: That is true. The results—I do not want to put it higher—the results at Chittaranjan have been much more satisfactory than at TELCO. I am saying this without casting any reflection. But certain causes were advanced for this delay and difficulty experienced by TELCO, by the people in charge of TELCO, and, as has been stated in the answer, we are going to the Tariff Commission, because their prices have turned out to be very high.

Shri S. V. Ramaswamy: Is it a fact that certain buildings meant for the production of engines have been taken over by TELCO for the production of Mercedes-Benz trucks and, if it is so, may I know whether it is in contravention of any agreements and the steps proposed to be taken to see that there is no such contravention?

Shri Alagesan: I am unable to say whether a particular portion of the building has been taken over for the manufacture of trucks. But what we are given to understand is that this additional line will not in any way jeopardise the progress that is being maintained in the manufacture of locomotives.

श्री एम० एल० द्विवेदी : मैं जानना चाहता हूं कि जहां जहां सरकार किसी उद्योग से समझौता करती है, तो क्या उस समझौते में यह शर्त नहीं होती कि उसके अलावा उस उद्योग में दूसरा काम नहीं हो सकता ? क्या इस टैलको के साथ जो समझौता हुआ था उसमें यह शर्त नहीं थी, यदि नहीं थी, तो क्यों नहीं थी ?

Shri Alagesan : I should inform the House that even while the agreement was entered into with TELCO it was contemplated that they might enter other lines of business in addition to the manufacture of locomotives, and so there was nothing outside the agreement done when they undertook to manufacture the trucks. Government approved this.

Road Transport Corporations

*47. **Sardar Hukum Singh:** Will the Minister of **Transport** be pleased to state:

(a) the names of the States that have set up Road Transport Corporations for operating nationalised road transport service; and

(b) whether, besides the States who have set up Road Transport Corporations, there are any other States who have made provision for taking over road transport during the Second Plan period?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Bombay and Kutch.

(b) Yes.

Shri A. M. Thomas: May I know whether the Centre has issued instructions to various States that it is generally against road transport nationalisation and, if so, what exactly has been the reaction of the State Governments?

Shri Alagesan: It is not correct to say that the Centre has issued instructions that it is against road transport nationalisation. It is true that the Planning Commission issued a sort of direction to various State Governments—that was done in consultation with the Ministry of Transport—stating that there should not be any nationalisation of road freight services and if they want to undertake nationalisation of passenger services it should be done in a phased way. That was the broad directive that was issued by the Planning Commission.

Sardar Hukam Singh: May I know whether the money provided in the First Plan for taking over road transport by various States has actually been spent during this period?

Shri Alagesan : I cannot actually say whether the exact provisions made were utilised or not. But it is common knowledge that the States have been proceeding with nationalisation.

Sardar Hukam Singh: Has the Central Government tried to find out whether the States taking over road transport had taken over all the vehicles and absorbed the workers who were already there?

Shri Alagesan : I should like the hon. Member to wait for a few moments when the Bill to amend the Motor Vehicles Act will be introduced.

Sardar Hukam Singh : May I know whether the old policy of giving 40 per cent. to the motor operators has been adhered to by the States that have formed these Corporations, or has any new policy been laid down for future guidance?

Shri Alagesan : As far as that policy goes it is laid down in the Road Transport Corporations Act. And the States which have formed such Corporations are falling in line.

Shri L. N. Mishra : May I know the State Corporations in which the Transport Ministry has invested money; and may I know whether the terms differ from Corporation to Corporation, or it is on a uniform basis?

Shri Alagesan I do not quite catch the question. The Transport Ministry does not take shares. It was the Railway Ministry that was taking shares in these Road Transport Corporations.

देहाती ऋण योजना

*४८. **श्री श्रीनारायण दास** : क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि किन किन राज्यों में और उनके किन किन क्षेत्रों में देहाती ऋण की अग्रगामी योजना, जिसमें छोटी छोटी सहकारी इकाइयों को मिलाकर बड़ी इकाइयां बनाई जाती हैं, अब तक चाल की गई है ?

कृषि मंत्री (डा० पी० एस० देशमुख) : देहाती कर्ज को पाइलट स्कीम बम्बई, हिमाचल प्रदेश और राजस्थान में चालू कर दी गई है। इस काम के लिये चुने गये केन्द्रों का विवरण सभा की मेज पर रख दिया गया है। [देखिये परिशिष्ट १, अनुबन्ध संख्या १३]

श्री श्रीनारायण दास : क्या मैं जान सकता हू कि इस प्रकार की अग्रगामी योजना और दूसरे प्रान्तों में भी निकट भविष्य में चालू की जाने वाली है, यदि हां, तो वे कौन से प्रान्त हैं ?

डा० पी० एस० देशमुख : हमने प्रथम मई को इसके लिए एक सर्क्युलर जारी किया था और उसके बाद हमें बहुत सी प्रोपोजल्स मिलीं। अभी चन्द सूबों ने और कुछ प्रोपोजल्स भेजी हैं। इन सब को एग्जेमिन करने के बाद हम कह सकेंगे कि कहां कहां चालू यह होंगी।

श्री श्रीनारायण दास : क्या मैं जान सकता हूं कि इस प्रकार की अग्रगामी योजना की क्या क्या विशेष बातें हैं, कौन कौन से मुख्य उद्देश्य हैं ?

डा० पी० एस० देशमुख : प्लानिंग कमीशन ने हमें इस बात के लिये दो करोड़ रुपया दिया था और यह तय हुआ था उस मिनिस्टर्ज आफ़ कोआपरेशन की कानफ्रेंस में, जो यहां १६ अप्रैल को हुई थी, कि पहले दो सालों में, यह १९५५–५६ और १९५६–५७ में यह पाइलट स्कीम तरीके पर हाथ में ली जाये। इसका खास तौर पर यह काम होगा कि अच्छी सोसाइटियां हम बनायें, अगर कहीं सोसाइटियां हैं, तो उनको हम एमेलगेमेट करें, उनको स्ट्रेंगथन करने की, उनकी ताकत बढ़ाने की, हम कोशिश करें। यदि कहीं पर मार्केटिंग सोसाइटीज हों तो वह काम उनको दें। यह स्कीम के कुछ खास पहलू हैं।

श्री श्रीनारायण दास : क्या मैं जान सकता हूं कि इस प्रकार की योजना में केन्द्र का और प्रान्त का वित्त के सम्बन्ध में किस प्रकार का नियमन होगा ?

डा० पी० एस० देशमुख : जैसा कि मैं ने कहा, दो करोड़ रुपया प्लानिंग कमीशन ने दिया है। हम चाहते हैं कि उसमें से १ करोड़ २५ लाख बतौर लोन के दिया जाये और २५ लाख ग्रांटस के रूप में दिया जाये।

श्री धुलेकर : क्या मंत्री महोदय को मालूम है कि किसानों को कोआपरेटिव सोसाइटीज से बहुत ज्यादा ब्याज पर रुपया उधार मिलता है। इस योजना में इस सम्बन्ध में इस बात पर गौर किया गया है। या नहीं और यह दो करोड़ रुपया इस दिशा में सहायता करेगा या नहीं ?

डा० पी० एस० देशमुख : हमारी यह बहुत सालों से कोशिश है कि किसानों को सस्ती दर पर रुपया उधार मिल सके और यह हमारा लक्ष्य है कि सवा ६ परसेंट से ज्यादा ब्याज उनको न देना पड़े। मैं समझता हूं कि यह कार्यवाही उसी ध्यान से और उसी उद्देश्य से की जा रही है और मैं समझता हूं कि यह सम्भव है कि उसमें काफी कमी हो जायेगी।

Playgrounds for Railway Employees

*49. **Shri V. P. Nayar** : Will the Minister of **Railways** be pleased to state :

(a) whether the Railways administration have any proposal under the Second Five Year Plan to build stadia and playgrounds for Railway employees;

(b) if so, the targets fixed in each case; and

(c) the amount proposed to be spent under the plan for the promotion of sports, games and physical exercise of the Railway employees?

The Parliamentary Secretyar to the Minister of Railway and Transport (Shri Shahnawaz Khan): (r) and (b) The Railway's Second Five Year Plan has not been finalised as yet. Adequate funds will be earmarked for such staff welfare works after the Plan has been approved.

(c) Railways provide funds annually for such activities out of their Staff Funds and such expenditure is not chargeable to the Plan.

Shri V. P. Nayar: May I know what percentage of the railway workers have facilities at present for regular play and physical exercises as a result of the arrangements provided by the railway administration?

Shri Shahnawaz Khan: The railway employees number nearly a million persons and we have not worked out exactly the percentages who benefit from it; but I can tell the hon. Member that any railway employee who is keen on sports can have the necessary facilities for recreation.

Shri V. P. Nayar : In view of the fact that the railways have abundant quantities of cinder and also in view of the fact that cinder tracks are quite few in India, may I know whether Government have any schemes under which the railways will have cinder tracks laid down at important railway junctions?

Shri Shahnawaz Khan: I do not know whether the railways have any comprehensive schemes for having cinder tracks; but the hon. Member knows that the railways provide some of the best hockey teams and athletes in India.

Shri V. P. Nayar: I would like to know whether in discussing the draft second Five Year Plan any authorities or agencies working in or outside the railways have been consulted in regard to evolving a scheme for the promotion of physical culture among the million and odd railway staff?

The Minister of Railways and Transport (Shri L. B. Shastri): I do not know whether it is necessary to consult outside authorities; the railways should be able enough to plan it out. Of course, the details of the Plan will have to be prepared later on when the actual allotment has been made.

Zoo in Delhi

*50. **Shri Radha Raman:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 726 on the 10th March, 1955 and state:

(a) the progress made so far with regard to the setting up of a Zoo in Delhi near Purana Qila in New Delhi;

(b) when the Zoo is expected to start functioning; and

(c) whether the services of any foreigner are being utilized to organise it and if so, his name ?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) The progress made so far is as follows:—

(*i*) Appointment of a Superintendent and some Executive and ministerial staff;

(*ii*) An expert has been procured under the Colombo Plan to advise Government on the project;

(*iii*) An Action Committee has been set up to watch and speed up progress;

(*iv*) Initial preparation of site has been undertaken;

(*v*) Plans, designs and estimates for constructions are being prepared;

(*vi*) A nursery for raising plants has been prepared.

(b) It is too early yet to state, but it may be possible to open it to the public in the later half of 1957.

(c) Yes, Sir. Major A. N. Woinman, Director of the Zoological Gardens, Colombo.

Shri Radha Raman: May I know what was the duration of stay in Delhi of the expert who came to India and whether he has made any recommendations which would change the original plan of the Government?

Dr. P. S. Deshmukh: I would like to have notice of this question.

Shri Radha Raman: May I know if the hon. Minister will be able to inform us what sections are being considered for inclusion in the zoo which is under preparation?

Dr. P. S. Deshmukh: Actually, after all these consultations, we have decided not to have an ordinary zoo, but to have a zoological *cum* botanical park, which has to a certain extent changed the plans.

Shri Shree Narayan Das: May I know whether there is any programme for the development of this zoo and if so what are the important features of that programme?

Dr. P. S. Deshmukh: I cannot state the important features of that programme; but I can assure the hon. Member that we are personally interested in the progress of the scheme and everything possible will be done. We have also an Action Committee to speed up progress.

वन गवेषणा संस्था

*५१. **श्री अमर सिंह डामर** : क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) वन गवेषणा संस्था, देहरादून में विभिन्न राज्यों के कितने रेंजर और फौरेस्ट आफिसर प्रशिक्षण पा रहे हैं ;

(ख) जिन राज्यों से वे आये हैं वे राज्य क्या कोई अंशदान देते हैं ; और

(ग) यदि हां, तो कितना ?

कृषि मंत्री (डा० पी० एस० देशमुख) : (क) सभा की मेज पर जानकारी का विवरण रख दिया गया है । [देखिये परिशिष्ट १, अनुबन्ध संख्या १४]

(ख) और (ग). भारत सरकार द्वारा प्रशिक्षण पर किया हुआ कुल सीधा खर्च राज्य सरकारों से मिली हुई ट्यूशन फीस से पूरा हो जाता है ।

श्री अमर सिंह डामर : इस प्रशिक्षण की अवधि कितनी रहती है ?

डा० पी० एस० देशमुख : दो साल के और एक साल के अलग अलग कोर्सेज हैं ।

श्री अमर सिंह डामर : क्या इस संस्था में मध्य भारत के आफिसर्स और रेंजर्स शिक्षण पा रहे हैं ?

डा० पी० एस० देशमुख : जी हां । इसमें दिया हुआ है कि देहरादून में १९५४–५६ के कोर्स में पांच और १९५५–५७ के कोर्स में भी मध्य भारत के पांच कैंडीडेट हैं । इसी तरह से कोयम्बटूर में भी पांच लड़के १९५५–५७ के कोर्स के हैं ।

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि इस संस्था में जो विद्यार्थी शिक्षा पाते हैं क्या उनको अनिवार्यतः राज्यों की सेवा में ले लिया जाता है, और यदि नहीं, तो उन बेकार लोगों के बारे में क्या व्यवस्था की जा रही है ?

डा० पी० एस० देशमुख : इन में किसी के बेरोजगार होने की सम्भावना नहीं है । इसमें कुछ कैंडिडेट तो इस तरह के हैं जो कि जब शिक्षण प्राप्त करने आते हैं उस समय भी सरविस में रहते हैं, और जो पहले से सरविस में नहीं होते उनको शिक्षण पाने के बाद सरविस में ले लिया जाता है ।

मैं यह भी सही कह दूं कि यह सब कोर्सेस दो दो साल के ही हैं ।

Shri Bhagwat Jha Azad: In he case of the different States from where there are demands for increasing the num ber, do Government propose to increase the strength of these officers?

Dr. P. S. Deshmukh: Yes, if the State Governments want more people we are prepared to do it. In fact, we have, I think increased the number already.

Telephones

*53. **Shri Barman:** Will the Minister of **Communications** be pleased to state.

(a) the annual production of telephones by the Indian Telephone Industries Ltd., Bangalore; and

(b) how do their prices compare with those in U.K. in respect of the finished goods?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 50,000 Telephones per annum.

(b) Their prices are generally lower than those of articles imported from the U.K.

Shri Barman: May I know whether any time and production schedule has been set for these factories and whether they are keeping up to it?

Shri Raj Bahadur: The time and production schedule is drawn up and the factory has not only kept up to it, but in certain cases it has exceeded the targets.

Shri Barman: May I know whether Government have taken into account the future requirements of this country in the next four or five years and if so whether

Government have taken any steps to expand the capacity of this factory?

Shri Raj Bahadur: Initially the target for the factory was proposed to be fixed for production of 25,000 telephones per annum, but that was revised and now the production has gone up to 50,000. The target has now been fixed for the Second Five Year Plan at a production of 60,000 telephones per annum. This takes into account the requirements of the country which principally come from the P. & T. Department and some other departments. So far as production of telephone instruments is concerned, our capacity for production may be even in excess of our requirements.

Shri Chattopadhyaya: May I know whether there is any proposal to export some of the manufactured items to other countries of South-East Asia and if so, may I know the efforts made in this connection?

Shri Raj Bahadur: We are trying to explore foreign markets, particularly in South-East Asian countries. For this purpose, one of the representatives of the Indian Telephone Industries visited a few countries about six months ago.

Labour Relations Committee

*54. **Shri T. B. Vittal Rao:** Will the Minister of **Communications** be pleased to refer to the reply given to Starred Question No. 272 on the 29th July, 1955 and state:

(a) whether the Labour Relations Committee referred to in Section 41 of the Air Corporations Act, 1953 has since been constituted, and

(b) if not, when it is likely to be constituted?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No, Sir.

(b) Early in 1956.

Shri T. B. Vittal Rao : May I know what is the difficulty in the formation of this Committee in view of the fact that there is only one union and that is recognised by the Indian Airlines Corporation?

Shri Raj Bahadur: I am sure the hon. Member will appreciate that the Indian Airlines Corporation had to contend against the difficult task of integrating the staff of as many as eight different companies which were serving under different terms and conditions of employment. Without complete integration of the staff of these eight companies into one pattern it was impossible for us to carve out the required units or constituencies for elections to be held for electing representatives of the workers to the Labour Relations Committee.

Shri T. B. Vittal Rao: May I know the steps taken in this regard so far?

Shri Raj Bahadur: The integration has been completed and now the Corporation is in the process of carving out the constituencies.

Mr. Speaker: We go to the next question.

Anti-Corruption Department in N. E. Railway

*55. **Pandit D. N. Tiwary:** Will the Minister of **Railways** be pleased to state:

(a) whether there is any Anti-corruption Department functioning in the North Eastern Railway and;

(b) if so the number of cases detected in 1954 and 1955 ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes.

(b) 318 cases in 1954 and 317 cases upto end of October in 1955 were registered and dealt with by this department.

पंडित डी० एन० तिवारी : जितने केसेज डिटेक्ट हुए, उनमें से कितने लॉ कोर्टज में गये और कितनों में डिपार्टमेंटल सजा हुई और कितने ऐसे केस हैं जिनकी कि इनक्वायरी कुछ दूर तक चली लेकिन चूंकि अफसर लोग नहीं चाहते थे कि उनको आगे चलाया जाय, इस वास्ते ड्रोप कर दिये गये ?

श्री शाहनवाज खां : ज़रा जवाब थोड़ा लम्बा सा होगा, अगर आपकी इजाजत मिले तो मैं दूं।

वह केसेज जिनके कि बारे में तफतीश हुई लेकिन बाद में काफी सबूत न होने की वजह से उनको छोड़ दिया गया उनकी तादाद सन् १९५४ में १७३ थी, सन् १९५५ में ऐसे ८३ केसेज थे । इसके अलावा सन् १९५४ में ६५ आदमियों को सजा हुई और सन १९५५ में सात आदमियों को सजा हुई

और अभी तक जो केसेज जेरे तफतीश हैं उनका ब्योरा इस तरह से है। सन् १९५४ के ८२ और सन् १९५५ के ११२ केसेज ऐसे हैं जिनके बारे में अभी तक देखभाल हो रही है।

पंडित डी० एन० तिवारी : ये सजायें कोर्टस से मिलीं या डिपार्टमेंटल मिलीं ?

श्री शाहनवाज़ खां : यह जो ६५ की फीगर मैंने दी है, यह तो डिपार्टमेंटल सजायें हुई हैं, इनके अलावा और भी ऐसे केसेज हैं जो कि जी० आर० पी० स्पेशल पुलिस इस्टैब्लिशमेंट और सिविल पुलिस वगैरह को दे दिये गये हैं और जिनमें कि अदालत की तरफ से सजा हुई है वह अलहदा हैं और वह सन् १९५४ में २० थे और सन् १९५५ में भी २० थे।

पंडित डी० एन० तिवारी : नार्थ ईस्टर्न रेलवे काफी बड़ा जोन है और यहां पर सिर्फ आठ आदमी ऐंटी करप्शन में काम करते हैं तो क्या मैं जान सकता हूं कि इस काम पर आठ आदमियों को बढ़ा कर और भी आदमी रखने का विचार है, और यदि यह आठ आदमी काफी हैं तो क्या गवर्नमेंट बता सकती है कि कोई भी ऐसी जगह है या कोई भी ऐसा स्टेशन है जहां पर करप्शन न हो और एकदम अछूता हो गया हो ?

रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री) : माननीय सदस्य ठीक कहते हैं कि ६ आदमी या ७ या ८ आदमी काफी नहीं हैं और हम एक नये ढंग से ऐंटी करप्शन आर्गेनाइजेशन को बनाने में लगे हुये हैं, थोड़ा उसमें समय लगेगा और उस समय हम इस बात का फैसला करेंगे कि वहां और कितनी तादाद बढ़ाई जाये।

श्री पी० एल० बाक्पाल : क्या मैं रेलवे मंत्री महोदय से जान सकता हूं कि जैसे अभी मंत्री जी के सभा सचिव ने बताया कि करप्शन का कोई सबूत पेश न हो सका, तो मैं चाहूंगा कि वह बतलायें कि सबूत की परिभाषा क्या है ? और क्या सरकार को यह मालूम नहीं है कि आम तौर पर स्टेशनों पर टी० टी० और दूसरे रेलवे कर्मचारी विद्‌आउट टिकट लोगों को पैसे ले कर बैठा देते हैं .....

Mr. Speaker : Order, order. He is casting accusations. We will go to the next question.

Rice-Milling Committee

*56. **Shri Dabhi:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 2055 on the 22nd September, 1955 and state:

(a) whether Government have since finalised the consideration of the recommendations of the Rice-Milling Committee; and

(b) if so, the decisions taken in this regard?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa) : (a) No, Sir.

(b) Does not arise.

Shri Dabhi: May I know the main recommendations of the Committee and whether they are unanimous?

Shri M. V. Krishnappa: A copy of the recommendations has been placed on the Table of the Lok Sabha Since there were a lot of controversial points in the report, we had to obtain the views of the various States concerned. We have written to the States. We are still waiting for the replies of some of the States.

Shri Dabhi: May I know when the Government is likely to take a final decision on the recommendations?

Shri M. V. Krishnappa: Until we get replies from all the States concerned, we cannot decide anything about this. We have sent reminders to the States which have not yet sent replies. We expect their replies very soon. As soon as we receive their replies, we hope to come to a decision.

Shri Heda: Since this committee had already taken the opinion of the States and again the States are approached, do we infer that the Government is likely to put these recommendations in cold storage?

Shri M. V. Krishnappa: The Committee, of courte, went round all the States. The conclusions were not known to the

States at that time. Only after knowing the views of the various States, the Committee has come to certain conclusions and it has produced a report. On the report, we must ask the opinion of the States because there were controversial points.

श्री विभूति मिश्र : क्या सरकार को पता है कि बिहार असेम्बली में यह चीज सर्वसम्मत राय से पास हुई है कि चावल मिल न रक्खी जाये, तो उस रिपोर्ट पर सरकार क्या कार्यवाही कर रही है ?

Shri M. V. Krishnappa: We know what the Bihar Government has done in this matter.

Labour Laws

*57. **Shri D. C. Sharma:** Will the Minister of **Labour** be pleased to lay a statement on the Table of the Lok Sabha showing:

(a) the total number of workers whose interests are being safeguarded through the enforcement of Labour laws by the Chief Labour Commissioner (Central);

(b) the total number of officers of the Industrial Relations Machinery appointed for the purpose;

(c) the approximate number of workers under each officer of the Industrial Relations Machinery;

(d) whether it is a fact that in some cases the area of their jurisdiction is very wide which hampers proper enforcement of the labour laws; and

(e) if so, the steps taken in the matter?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (e). A statement giving the required information is placed on the Table of the Lok Sabha. [*See* Appendix I, annexure No. 15]

Shri D. C. Sharma: From the statement I find that the Regional headquarters are not located on a very rationalised basis. May I know what effort is being made to rationalise the location of these headquarters so that all the workers could come within the easy jurisdiction of these officers?

Shri Abid Ali: When these headquarters were fixed, it was done according to the requirements of that period. In the statement it has already been stated that the entire question of revising the jurisdiction of the officers of the Industrial Relations Machinery is under consideration of the Government.

Shri D. C. Sharma: From the statement I find that the question of revising the jurisdiction of the officers of the Industrial Relations Machinery is under consideration. May I know how long it has been under consideration, and may I also know what machinery is considering it: whether it is a committee departmental or parliamentary or other kind of Committee? What kind of Committee is considering it?

Shri Abid Ali: It has been under consideration for about 4 or 5 months. The Chief Labour Commissioner has been asked to submit proposals for re-organisation, which were discussed at the secretariat level. I hope this will be finalised before long.

Shri D. C. Sharma: May I know what is the approximate sum, per year, spent by the Government on this item and how much of it goes into administrative expenses and how much into welfare expenses?

Shri Abid Ali: About Rs. 14 lakhs we are spending. About the division, I think it should go under the expenditure head together.

Shri D. C. Sharma: I want to know.

Shri T. B. Vittal Rao: Do the Government publish any annual report by the Chief Labour Commissioner? If so, to which year does the report published last relate?

Shri Abid Ali: The report of the Ministry of Labour which is submitted to the Members also contains the report of the working of this department as well.

टैक्निकल ट्रेनिंग केन्द्र

*५८. श्री राम शंकर लाल : क्या श्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) उत्तर प्रदेश में केन्द्रीय सरकार के टैक्निकल ट्रेनिंग केन्द्र किन किन स्थानों में हैं ; और

(ख) उनमें कितने प्रशिक्षणार्थी है ?

श्रम उपमंत्री (श्री आबिद अली): (क) और (ख). विवरण सभा के सामने रखा जाता है । [देखिये परिशिष्ट १, अनुबन्ध संख्या १६]

Gliding Centre at Bangalore

*59. **Shri Krishnacharya Joshi:** Will the Minister of **Communications** be pleased to state:

(a) whether the proposed gliding centre at Bangalore has been opened; and

(b) if so, the cost incurred for the opening of the centre?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The Centre is expected to be opened shortly.

(b) No expenditure has been incurred so far, but equipment worth about Rs. 1 lakh has been ordered for the Centre.

Shri Krishnacharya Joshi: May I know what steps the Government have taken to encourage gliding?

Shri Raj Bahadur: We have recently decided to open two new gliding centres, one at Allahabad and another at Bangalore. The question relates to Bangalore. Apart from that we have got a Gliding Adviser attached to the Civil Aviation Department. There are two gliding clubs, one at Delhi and the other at Poona is already functioning. We are trying to help them as best as we can with money and equipment.

Shri Krishnacharya Joshi: May I know the total number of gliding centres at present.

Shri Raj Bahadur: I have already answered that.

Shri Joachim Alva: Is it not true that the progress of gliding in India has been totally inadequate considering that we have formed only two clubs, and that the Defence Ministry had to step in by having gliding centres through the N. C. C.?

The Minister of Communications (Shri Jagjivan Ram): There has not been much response from the public. Therefore gliding clubs have not been formed. Approaches have not been made to the Government but in spite of that we, on our own initiative, are trying to form gliding clubs. With that end in view, we have decided to add two more to the existing two gliding clubs, and if the response from the public is encouraging, no effort will be spared on behalf of the Civil Aviation Directorate to encourage with money and equipment the gliding clubs.

Shri Joachim Alva: May I know whether the Ministry is aware of the importance of gliding which is the bed-rock of aviation, both military and civil, and whether the Ministry propose...

Mr. Speaker: Order, order. The hon. Member can put questions for information.

Shri Joachim Alva: May I know whether the Ministry proposes to take every benefit of the demonstration to be shown tomorrow by the Polish people where young boys and girls are known to fly beautiful machines at such a tender age.

Shri Jagjivan Ram: Certainly the officers of the Civil Aviation Directorate are taking part in that show.

Shri Chattopadhyaya: May I know, Sir.

Mr. Speaker: We will go to the next question.

Damage caused to Railway Property by Floods

*60. **Shri M. L. Agrawal:** Will the Minister of **Railways** be pleased to lay a statement on the Table of the Lok Sabha showing:

(a) the extent of breaches and damages caused to the Railway track, buildings and material in the country by the unprecedented floods in October, 1955; and

(b) whether there are any places where breaches have not yet been repaired and normal transport activities not resumed.

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The information is being collected and will be laid on the Table of the Lok Sabha in due course.

(b) Yes, Sir; there are only two sections on the Northern Railway—Amritsar-Dera Baba Nanak and Ferozepore Cantt.-Jullundur City — where normal traffic has not yet been restored.

Shri M. L. Agrawal: When could we expect normal traffic to be resumed in these places?

Shri Alagesan: On one of the sections it is expected to be restored by the end of this month, and on the other section by the end of the next month.

Shri M. L. Agrawal: May I know when we could expect to have the statement with regard to part (a) of the question?

Shri Alagesan: We have said in due course. It will be done as soon as the information is obtained.

Shri D. C. Sharma: What are the insuperable difficulties experienced at Ferozepore and Jullundur which have not

enabled the Railway Ministery to resume normal traffic there ?

Shri Alagesan : The hon. Member knows that there have been unprecedented floods in that region, and the damages have been very extensive. Many other sections were restored to traffic, but these two sections could not be.

Ramagundam-Nizamabad Line

*61. **Shri Heda** : Will the Minister of **Railways** be pleased to state :

(a) whether the survey of the Ramagundam-Nizamabad line in Hyderabad State has been completed ; and

(b) when the work will start and when it is expected to be completed ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) No Sir.

(b) It is yet too early to say if and when the construction will start.

Shri Heda : Is it a fact that when the old Nizam State Railway was merged into the All-India Railway, one of the conditions was that whatever liquid cash was available with the Nizam State Railway would be spent on the construction of new railway lines in that zone ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : I would like to have notice for that.

Shri T. B. Vittal Rao. Could I know when the traffic survey for this railway link was undertaken and when it is likely to be completed ?

Shri Shahnawaz Khan : One survey was carried in 1946 for a railway line from Ramagundam to Latur, but that project had to be dropped owing to the disturbances that took place in Hyderabad. A fresh survey has been ordered and we are hoping that by the middle of next month the final survey and traffic report would be available.

Shri T. B. Vittal Rao : In view of that fact that this railway link is a part of the direct link between Visakhapatnam on the East Coast and Bombay on the West Coast, do Government purpose to give any priority for this line ?

Shri Shahnawaz Khan : As soon as the survey report is received, it will receive the very careful consideration of the Government.

श्रीमती कमलेंदु मति शाह : क्या मैं जान सकती हूं कि ऋषिकेश से रुद्र प्रयाग रेलवे का कब सर्वे होगा ?

श्री शाहनवाज खां : अगर माननीय सदस्या कृपा करके दूसरी नोटिस दें तो अच्छा होगा ।

Indo-U.S. Air Agreement

*62. **Shri N. M. Lingam** : Will the Minister of **Communications** be pleased to refer to the reply given to the Starred Question No. 2187 on the 27th September, 1955 and state at what stage is the agreement between the Government of India and the U.S.A. for the operation of U.S. Commercial planes in India ?

The Deputy Minister of Communications (Shri Raj Bahadur): Talks with a U.S. Delegation for the conclusion of a fresh bilateral air transport agreement between the Governments of India and the United States of America commenced on the 19th October, 1955 in New Delhi. The talks are still in progress and views are still being exchanged. The talks have not yet reached a stage when it will be in the public interest to furnish any material information on the subject.

Shri N. M. Lingam : May I know the special difficulties that have made the negotiations unduly protracted ?

Shri Raj Bahadur : As the hon. Member and the House know there has been a difference of opinion in regard to the utilization of the fifth freedom traffic and the capacity and the frequencies of the services to be operated by the American lines, keeping in view the third and fourth freedom traffic.

Shri N. B. Chowdhury : May I know whether it is a fact that one of the reasons for the delay in arriving at an agreement is that in the terms offered by the U.S.A. the Indian airlines will suffer very many disadvantages ?

Shri Raj Bahadur : It was for various reasons which have been explained on the floor of the House earlier on several occasions. The 1946 Air agreement with the U.S.A. was terminated on 15th January, 1955. That agreement was, of course, not just and beneficial to the legitimate rights and interest of the Air India International.

Shri Joachim Alva *rose*—

Mr. Speaker : This question has often been discussed.

Medical Stores Depots

*63. **Shri Gidwani** : Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that a senior officer of the Ministry of Finance has been investigating into the working of the various Medical Stores Depots; and

(b) if so, whether the officer concerned has submitted any report.

The Minister of Health (Rajkumari Amrit Kaur) : (a) Yes.

(b) Part I of the report relating to the headquarters establishment in the Directorate General of Health Services, which deals with the Medical Stores Depots, has been received.

Shri Gidwani : When will this other part of the report be submitted, and what is the nature of the first part?

Rajkumari Amrit Kaur : The first part of the report made two main recommendations, that the sections of the Director-General of Health Services dealing with the medical stores depots should be reduced from three to two; and then certain suggestions regarding decentralisation of the work of the fixation of rates. Both these recommendations have been accepted and implemented.

Now, the officer is continuing his investigations with regard to the working of the medical stores depots. He has given some suggestions which again are being considered, and some of them are being implemented also. It is difficult to say when the final report will be available.

Shri V. P. Nayar : May I know whether this officer has made any enquiry into the case of out-dated surgical catguts having been accepted by the medical stores depots as supplied by a firm in Delhi to the tune of several lakhs of rupees?

Rajkumari Amrit Kaur : I am not aware of that.

Shri B. S. Murthy : May I know whether any more medical stores depots are being opened, and if so, in what places?

Rajkumari Amrit Kaur : No more are being opened. I think it is a question of perhaps having less than what we have today.

Foreign Food Gifts

*65. **Shri M. S. Gurupadaswamy** : Will the **Minister of Food and Agriculture** be pleased to state the total value of food gifts received from the various voluntary organisations of America during 1954-55 and 155-56 (till September)?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa) : The Government of India have no information about the value of the food gifts as these are received and distributed free amongst the needy.

Shri M. S. Gurupadaswamy : May I know whether it is a fact that these food articles are being distributed only through Christian missionaries and not through others, and if so, whether Government have considered the question of distribution through others also?

Shri M. V. Krishnappa : These voluntary relief agencies in India receive gifts from American agencies. The gifts are distributed through Christian and other agencies. Whenever a Christian mission here receives gifts, they distribute them mostly among the Christians; but we insist that there should not be any discrimination in this regard, and it is left to the State Governments to ensure this, for they have to certify that these gifts were distributed without any discrimination. These missionaries are required to produce the certificates from the State Governments.

Shri M. S. Gurupadaswamy : Has it come to the notice of Government that certain other organisations want these food articles for distribution in their own areas where there has been a lot of suffering, but these voluntary agencies are not co-operating with them, and even these foreign agencies are not helpful to them? If so, what action has been taken by Government to see that such articles are distributed to other agencies also?

Shri M. V. Krishnappa : There are two things in these gifts. First, there are gifts from Government to Government; whatever the American Government send to the Government of India is our responsibility, and we distribute it to the needy: and if any organisation makes a representation to us, we give the gifts to that organisation, and they distribute it.

Secondly, there are some gifts which are sent by the voluntary relief organisations in America to their own counterparts in India, such as some Christian missionaries and some churches. We have no control over them except that we act as clearing agents since the gifts are duty-free.

Shri Bhagwat Jha Azad : Arising out of the answer just given, are we to understand that it is the policy of Government to allow the independent organisations in America to send these gifts and insist on their distribution through the missionaries especially in tribal areas for motives other than relief?

Shri M. V. Krishnappa : We have recognised some of the institutions is

America, and they have been approved by the American Government also. Whenever those institutions send gifts to the institutions in India, and the latter distribute them here, we insist that there should not be any discrimination.

Dr. Gangadhara Siva : In view of the answer given by the hon. Minister, may I know whether there was any requisition made from the Andhra State, and if so, through what source?

Shri M. V. Krishnappa : These gifts do not refer to Government gifts; they are gifts sent by some voluntary organisations.

Mokameh Bridge

*66. **Shri Jhulan Sinha** : Will the Minister of **Railways** be pleased to refer to the reply given to starred Question No. 2662 on the 28th April, 1955 and state:

(a) the progress made so far in the construction of the Mokameh Bridge; and

(b) whether it is keeping to the time-schedule?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) Nearly 20 million c. ft. of standard size and under-sized pitching stone has been collected, earth work for the guide bank has started, and arrangements are on hand for starting in full swing the north approach bank, well sinking, etc. as soon as working conditions permit. Overall progress is 8%.

(b) Yes.

Shri Jhulan Sinha : If the work is progressing unhampered, when will this bridge be opened for traffic?

Shri Shahnawaz Khan : We hope, by December, 1959.

Shri Bhagwat Jha Azad : Is it a fact that down from the unskilled earth-carrying men up to the top, every person has been imported from outside? Is it also a fact that the progress of work, which has been reported to be only 8 per cent is due to this reason?

Shri Shahnawaz Khan : I very respectfully beg to submit that as usual the hon. Member is wrong. The most important work in the construction of bridges is the collection of material. We are collecting the material, and the progress of the work is very satisfactory.

Shri Bhagwat Jha Azad : Assuming that I am wrong, would the hon. Minister give us the figure as to the percentage of the persons employed who are the wards and sons of those who have voluntarily surrendered their lands and orchards in this area?

The Deputy Minister of Railways and Transport (Shri Alagesan) : I do not know how many cases of voluntary surrender have been there. But I know this much that we have to pay very heavily as compensation for the lands that we have had to take over there.

कृषि गवेषणा

*६७. **श्री भक्त दर्शन** : क्या खाद्य और कृषि मंत्री ९ सितम्बर, १९५५ को दिये गये तारांकित प्रश्न संख्या १६०१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि:

(क) कृषि गवेषणा और कृषि शिक्षा संस्थाओं के सम्बन्ध में रिपोर्ट देने के लिये जो संयुक्त टीम नियुक्त की गई थी क्या उसने अपनी रिपोर्ट दे दी है ;

(ख) यदि हां, तो क्या उस रिपोर्ट की एक प्रति सभा पटल पर रखी जायेगी; और

(ग) उसमें की गई सिफारिशों और सुझावों पर क्या निर्णय किया गया है ?

कृषि मंत्री (डा० पी० एस० देशमुख) : (क) जी, हां ।

(ख) यह रिपोर्ट अभी छप रही है । छपी हुई कापियां मिलते ही सभा के पुस्तकालय में रख दी जायेंगी ।

(ग) इस रिपोर्ट में की हुई सिफारिशें भारत सरकार के विचाराधीन हैं ।

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि इस संयुक्त दल ने देश के किन किन भागों का दौरा किया और क्या यह सत्य है कि इस दल ने किसी भी ऐसे पर्वतीय स्थान में जा कर अध्ययन नहीं किया जहां इसके लिये जाना आवश्यक था ?

डा० पी० एस० देशमुख : जहां जहां इस कमेटी ने जाना आवश्यक समझा मैं समझता हूं उन सभी जगहों पर यह कमेटी गई, खास तौर पर जो काम इसके सुपुर्द था यानी एग्रीकल्चरल एज्युकेशन की क्या हालत है, रिसर्च के बारे में और एक्सटेंशन के बारे में वह सब इसने देख लिये हैं । मेरे

खयाल में कोई भी ऐसा स्थान नहीं बचा जहां इस कमेटी को जाना चाहिये था और यह न गई हो ।

श्री भक्त दर्शन : क्या मंत्री महोदय इस सुझाव पर विचार करेंगे कि रिपोर्ट के छपने में काफी समय लग सकता है और वह कम से कम इस कमेटी की सिफारिशों का सारांश समाचार पत्रों में प्रकाशित करवा दें और संसद् के सदस्यों को उपलब्ध कर दें ?

डा० पी० एस० देशमुख : मैं समझता हूं कि अच्छा यही होगा कि पूरी रिपोर्ट ही माननीय सदस्य के सामने आये क्योंकि कई बार इस तरह सारांश छापने से असली मकसद का पता नहीं चलता है । मैं समझता हूं कि इस में अब ज्यादा समय नहीं लगेगा और जितनी जल्दी हो सके उतनी जल्दी हम इस रिपोर्ट को छपवाने की कोशिश करेंगे ।

Sugar Industry Delegation

***68. Shri K. P. Sinha** : Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 1099 on the 24th August, 1955 and state:

(a) whether the Delegation which visited Australia and Indonesia to study the various steps taken there for the development of the sugar industry has submitted its Report; and

(b) the total expenditure incurred on the Delegation?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) Yes.

(b) About Rs. 22,000/-.

Shri K. P. Sinha: May I know the steps that Government propose to take in the light of that report for the development of the industry?

Dr. P. S. Deshmukh : The recommendations are under consideration. Some of them require consultation with the State Governments, and this process is being gone through. I am sure any recommendations which are worth being given effect to would be accepted.

Shri Bishwa Nath Roy: May I know whether in the light of the report received by Government, they have any proposal under consideration for fixing the price of sugar- cane on the basis of the cost of cultivation?

Dr. P. S. Deshmukh: There are certain recommendations made by this delegation with respect to the procedure for fixing the price of sugarcane. We are taking into account these recommendations, and we shall see what we can do in the matter.

Shri Sarangadhar Das : May I know whether this delegation found in Australia that the sugar industry there is located in the fully tropical portions of the country, with the consequent higher acre-yield, and if so, whether that is going to be implemented in India?

Dr. P. S. Deshmukh : I do not know whether the delegation has laid any special emphasis on this fact. But this is a matter of knowledge so far as we are concerned. We know also the view of the hon. Member on this subject. And I do not think there is any lack of attention on this point on our part.

Delhi Road Transport Service

***69. Shri M. D. Joshi** : Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that there being only one door (both for entrance and exit) in the D.T.S. buses passengers are inconvenienced and delays are caused;

(b) whether as a result the buses have to waste long time at each stop, thus entailing irregularity in service; and

(c) the action Government propose to take in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). Some inconvenience to passengers may be caused during peak hours. Delays or irregularities cannot, however, be attributed to this factor.

(c) The Delhi Road Transport Authority are examining the question of providing separate doors for entrance and exit in the new buses to be ordered in future.

Shri M. D. Joshi: May I know to what specific cause the irregularities are due?

Shri Alagesan: I do not know how to answer this question. To quote one instance, these irregularities have been for some time due to want of workshop facilities. But now the DTS people have set up a workshop, and that has improved to a certain extent the regularity of service. There may be other causes too.

Dr. Suresh Chandra: Are Government aware of the rude behaviour of the conductors towards the general public, and if so what steps have Government taken to make them more courteous to the general public?

Shri Alagesan: We have received such complaints; we have been receiving them off and on. A school has been opened to train these people in courtesy and good behaviour towards the public.

Shri A. M. Thomas: May I know whether Government are in a position to state whether an adequate number of buses have been put on the road to cope up with the requirements of Delhi, and if not, by which time they will be able to do so?

Shri Alagesan: I think so.

Northern Railway Out-Agency

*71. **Shri Gopala Rao:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Government have received complaints against the contractor running the Railway Out Agency in Tehsil Padampur-Ganganagar Section, on the Northern Railway; and

(b) if so, the action taken in the matter?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes, Sir.

(b) Enquiries were made in connection with four complaints received from different parties; but the complaints were not substantiated. Enquiries in connection with seven more complaints, received from certain other parties are to be held shortly.

Shri N. B. Chowdhury: Do Government consider the antecedents of such contractors before appointing them as contractors of these out-agencies?

Shri Shahnawaz Khan: Of course, all that is taken into consideration. Tenders are called for, and only those persons who fulfil the necessary conditions given the contract.

The Employees' State Insurance Act, 1948

*72. **Shri Tushar Chatterjea:** Will the Minister of **Labour** be pleased to state:

(a) whether it is a fact that Government have decided to amend certain provisions of the Employees' State Insurance Act, 1948; and

(b) if so, the nature of amendments proposed to be made?

The Deputy Minister of Labour (Shri Abid Ali): (a) No.

(b) Does not arise.

Shri Tushar Chatterjea: Are Government aware that in certain industries medical and other facilities provided under the State Insurance Act fall short of what the workers were originally getting, and as a result, there is great discontent over the application of this Act? If so, do Government propose to make a thorough inquiry into the matter and bring in suitable modifications?

Shri Abid Ali: Which particular Industry does the hon. Member refer to? It is not clear to me.

Shri Tushar Chatterjea: Jute and certain other industries.

Shri Abid Ali: In Calcutta, the scheme has been introduced. In the beginning, there was some opposition, but we understand that the workers are reconciled to it and they are making use of the scheme in the jute industry also.

Shri Tushar Chatterjea: Is it not a fact that the workers have made a representation that certain amendments are necessary in order that the provisions of the Act are brought in line with the existing provisions?

Shri Abid Ali: If any representation is received, it will be given due consideration. But I do not remember having seen any.

Shri T. B. Vittal Rao: In the last session, the hon. Minister said that Government were considering extending the medical benefits to the dependants and families of the employees and workers. May I know what decision has since been arrived at on that?

The Minister of Labour (Shri Khandubhai Desai): As I have already said, the report has been made. It is not only under consideration, but it had been placed before the last Labour Ministers' Conference, and they have taken a decision that medical benefits be extended to the members of families. They will be submitting their new proposals to the Planning Commission, because if the benefits are to be extended to the members of families, provision has to be made in the budgets of the States during the next few years. That question is now under negotiation with the States, because, as the hon. Member knows, the States have to bear one-fourth of the expenditure incurred in the medical aid.

उर्वरक

*७४. **श्री के० सी० सोधिया :** क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि इस वर्ष २०,००० टन उर्वरक विभिन्न राज्य सरकारों को मुफ्त बांटा जायेगा ;

(ख) यदि हां, तो प्रत्येक राज्य को कितना उर्वरक मिलेगा तथा उस पर कुल कितना व्यय होगा ;

(ग) यह उर्वरक किसानों में बांटने के लिये क्या केन्द्र की ओर से राज्य सरकारों को कोई निर्देश दिये जायेंगे ; और

(घ) क्या यह उर्वरक सिंदरी कारखानें से प्राप्त किया जायेगा अथवा विदेशों से आयात किया जायेगा ?

खाद्य तथा कृषि मंत्री (डा० पी० एस० देशमुख): (क) जी, हां ।

(ख) सभा के टेबिल पर एक विवरण रख दिया गया है । [**देखिये परिशिष्ट १, अनुबन्ध संख्या १७**] अन्दाजन कुल खर्च २८ लाख ३० हजार रुपये है ।

(ग) जी हां ।

(घ) अलग अलग प्रकार के कुल २०,००० टन खाद में से लगभग दो तिहाई विदेशों से आयात किया गया है ।

श्री के० सी० सोधिया : कौन कौन किस्म के खाद आयात किये गये हैं ?

डा० पी० एस० देशमुख : जो खाद आयात किये गये हैं उनका शुमार इस प्रकार है :

Ammonium sulphate, ammonium nitrate, muriate of potash, super phosphate, mixed fertilisers containing sulphate of ammonia and super phosphate in the ratio of 60 to 40, urea.

श्री के० सी० सोधिया : मैं जानना चाहता हूं कि विदेशों से कौन कौन से खाद मंगाये गये हैं ?

डा० पी० एस० देशमुख : जो यहां पर तैयार नहीं होते हैं वे बाहर से मंगाये गये हैं । फिलहाल मेरे पास उनका डिस्ट्रिब्यूशन नहीं है ।

Shri B. S. Murthy: May I know whether these 20,000 tons of fertilisers are given by Governments of different countries or any manufacturing firms? If so, what is the reason for this gift?

Dr. P. S. Deshmukh: In the first year, 1954-55, the whole cost of this distribution of free fertilisers was met by the TCM. In the year 1955-56, two-thirds of the cost are being met by the TCM, and the remaining one-third by the Government of India. We provide this in the shape of fertiliser manufactured in Sindri; the other kinds of fertilisers are imported. There is no firm coming in; it is the Technical Co-operation Mission of the U.S.A.

श्री के० सी० सोधिया : मंत्री महोदय ने फरमाया कि सेंट्रल गवर्नमेंट ने इन के डिस्ट्रीब्यूशन के बारे में स्टेट गवर्नमेंट को हिदायतें दी हैं । मैं जानना चाहता हूं कि वे हिदायतें क्या हैं ?

डा० पी० एस० देशमुख : अगर हिदायतों के मानी डाइरेक्टिव समझे जायं तो यह ठीक नहीं होगा । हमने उनको कुछ सूचनायें दी थीं । वे इस प्रकार हैं :

Three-fourths of the quantity of fertiliser should be used on food crops and the remaining one-fourth on cash crops. Secondly, wherever possible, half the number of demonstrations should be laid in the community projects, extension blocks and extension training centres, and the other half outside those areas. Thirdly, the demonstrations should be carried out in irrigated areas and in areas having an assured rainfall.

All-India Medical Institute

*75. **Shrimati Maydeo :** Will the Minister of **Health** be pleased to state:

(a) what is the remuneration promised to the firm of Messrs Brown, Moulin and Antrum of Madras for designing the main buildings of the All-India Medical Institute, New Delhi;

(b) how many firms of architects entered the competition for the selection of architects; and

(c) who were the persons in the Selection Board?

The Minister of Health (Rajkumari Amrit Kaur): (a) 5% of the actual cost of the works.

(b) 40.

(c) There was no Selection Board. The assessors of the architectural competition were Mr. Walter George and Monsieur Pierrer Jeanneret.

Shrimati Maydeo : May I know whether the design of this building is an original one or a copy of some important building in Europe?

Rajkumari Amrit Kaur : No, the design is absolutely original.

Shrimati Maydeo : This being an all-India Institute, may I know how many States had expressed the urgent necessity of such an institute?

Rajkumari Amrit Kaur : Not a single State has raised any objection to the creation of this Institute; all are in favour of it.

Shri Heda : What is the total cost of the building, and what is the commission charged by the designers?

Rajkumari Amrit Kaur : The total cost of the whole Institute will be Rs. 607·08 lakhs.

Shri K. K. Basu : May I know whether any firm of Indian architects participated in this competition?

Rajkumari Amrit Kaur : Yes, practically all the competitors were Indians. Forty firms of architects competed.

WRITTEN ANSWERS TO QUESTIONS

सादाबाद में सार्वजनिक टेलीफ़ोन

*७१. **श्री दिगम्बर सिंह** : क्या संचार मंत्री १ सितम्बर, १९५४ को दिये गये अतारांकित प्रश्न संख्या १८७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि मथुरा जिले के सादाबाद में सार्वजनिक टेलीफ़ोन लगाने के बारे में अब क्या स्थिति है ?

संचार उपमंत्री (श्री राज बहादुर) : सार्वजनिक टेलीफ़ोन लगाया जा रहा है। एक टेलीफ़ोन स्विच बोर्ड भी लगा दिया जायेगा अगर काफ़ी सब्सक्राइबर (subscribers) टेलीफ़ोन लेने को तैयार होंगे।

Aerodromes

*76. **Shri Ibrahim** : Will the Minister of **Communications** be pleased to state the amount spent so far under the First Five Year Plan on the construction of new aerodromes and airstrips?

The Deputy Minister of Communications (Shri Raj Bahadur) : Rs. 28 lakhs approximately upto the 31-3-1955.

Telephones

*77. **Shri Ram Dass** : Will the Minister of **Communications** be pleased to state :

(a) the time by which India is expected to be self-sufficient in the manufacture of all parts and accessories connected with telephone manufacture; and

(b) the parts that are imported at present?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) and (b). In the case of telephone instruments, I. T. I. is at present manufacturing 99 % of the components by value and in the case of exchange equipment, it is manufacturing about 70% of the components by value. In the next two years, the percentage of exchange equipment components produced by the I. T. I. is expected to go upto 85%. The remaining 1% by value of the components of telephone instruments and 15% of the components of exchange equipment represent special items like Ringer Magnet, Ball bearing, power equipment, etc. which are not in the regular line of manufacture of a telephone factory. These will continue to be imported until such time as they are produced in India.

Reservation in Railway Services

*78. **Shri Dhusiya** : Will the Minister of **Railways** be pleased to refer to Starred Question No. 933 answered on 14th September, 1955 and state :

(a) whether the policy of reservation of seats in services for Scheduled Castes and Scheduled Tribes with reference to the recruitment of clerks is strictly observed on the Railways;

(b) if the answer to part (a) above be in the affirmative, what were the reasons for the inadequate recruitment

of these people in the years of 1952, 1953 and 1954 on the North Eastern Railway; and

(c) whether Government propose to recruit more Scheduled Castes and Scheduled Tribes in future to remove this disparity in recruitment on the above Railway?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) Yes, Sir.

(b) The shortfall has been due to paucity of suitable candidates from these communities.

(c) Yes, Sir. The reservation rules provide for the unfilled quota of reserved vacancies being carried forward for one year. The unfilled quotas for the years 1952 and 1953, have lapsed but that for the year 1954 will be filled up, as far as possible, during 1955 and during 1956 also.

Garo Hills Rail Link

*79. **Shri Amjad Ali** : Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 2067 on the 22nd September, 1955 and state :

(a) when was the field work for the traffic survey of Garo Hills Rail Link started and when was it completed ; and

(b) whether the final report has since been received?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) The field work for the traffic survey of Garo Hills Rail Link was started on 2nd December, 1954 and was completed by the middle of March, 1955.

(b) Not yet, Sir.

खेतिहर मजदूरों का सघन पारिवारिक सर्वेक्षण

*८०. श्री श्रीनारायण दास :
श्री एन० राजय्या :

क्या श्रम मंत्री यह बताने की कृपा करेंगे कि खेतिहर मजदूरों के सघन पारिवारिक सर्वेक्षण की योजना, जिसके लिये देश छः खंडों में विभाजित किया गया था, पूरी तरह कार्यान्वित की गई है ?

श्रम मंत्री (श्री खंडूभाई देसाई) : सर्वे का काम सभी छः भागों में पूरा किया जा चुका है । इस सर्वे से सम्बन्धित अखिल भारतीय रिपोर्ट और उत्तर भारत पूर्वी भारत, दक्षिण भारत एवं पश्चिमी भारत से सम्बन्धित रिपोर्टें प्रकाशित की जा चुकी हैं । देश के मध्य भाग और उत्तर-पश्चिमी भाग से सम्बन्धित रिपोर्टें जल्दी ही प्रकाशित की जायेंगी । "Agricultural Labour—How they Work and Live" [खेतिहर मजदूर कैसे रहते हैं और कैसे काम करते हैं] नामक पुस्तक, जिसमें सर्वे के मुख्य मुख्य परिणामों का संक्षिप्त विवरण दिया गया है, प्रकाशित की जा चुकी है । प्रकाशित रिपोर्टों की प्रतियां संसद् के पुस्तकालय में रख दी गई हैं ।

New Delhi City Improvement

*81. **Shri Radha Raman** : Will the Minister of **Health** be pleased to state :

(a) whether it is a fact that the New Delhi Municipality is contemplating steps to check the haphazard growth of houses on both sides of the Qutab Road;

(b) if so, whether any co-ordinated scheme has been prepared and the details thereof; and

(c) how this scheme will be financed and the estimated expenditure thereon?

The Minister of Health (Rajkumari Amrit Kaur) : (a) The New Delhi Municipal Committee have not formulated any scheme to check the haphazard growth of houses on both sides of the Qutab Road.

(b) and (c). Do not arise.

Employees' Provident Fund Act, 195

*82. **Shri T. B. Vittal Rao** : Will the Minister of **Labour** be pleased to refer to the reply given to starred question No. 1389 on the 2nd September, 1955 and state :

(a) when Government propose to extend the benefits of the Employees' Provident Fund Act, 1952 to other industries as decided by the Indian Labour Conference at Bombay in May 1955; and

(b) the number of workers likely to get this benefit?

The Minister for Labour (Shri Khandubhai Desai) : (a) As soon as possible after a decision is reached in the matter.

(b) About 14·2 lakhs.

Doubling of Railway Track on N. E. Railway

*83. **Pandit D. N. Tiwary** : Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that Government propose to double the railway track between Chupra and Sevan on the North Eastern Railway; and

(b) if so, the cost thereof?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) No, Sir.

(b) Does not arise.

Diesel Rail Cars

*85. **Shri Krishnacharya Joshi** : Will the Minister of **Railways** be pleased to state :

(a) whether Government propose to introduce Diesel Rail Cars on the Central Railways during the Second Five Year Plan period ; and

(b) if so, the total number of cars to be introduced?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawa Khan) : (a) There is no such proposal at present under the consideration of the Government.

(b) Does not arise.

Telco

*86. **Shri Heda** : Will the Minister of **Railways** be pleased to state :

(a) the number of boilers and locomotives supplied by the Tata Electric Locomotive Company to Indian Railways since February, 1954 ;

(b) how the price was fixed; and

(c) the stage at which the dispute about the price rests at present?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) 65 boilers and 84 locomotives have been manufactured by Tata Locomotive & Engineering Co. from 1st February '54 to end of September '55.

(b) The price under the agreement has to be mutually agreed upon by negotiation; the prices quoted by TELCO have been considered high and have not been accepted by Government.

(c) The matter has been referred to the Tariff Commission for its recommendations on the basis of a detailed price enquiry.

Central Soil Conservation Board

*87. **Shri N. M. Lingam** :
Shri B. K. Das :

Will the Minister of **Food and Agriculture** be pleased to lay a statement on the Table of the House showing :

(a) the schemes taken up for study and investigation by the Central Soil Conservation Board so far;

(b) the names of schemes approved (State-wise); and

(c) the progress achieved in the implementation of the schemes?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa) : (a) to (c). The required statements are placed on the Table of the Lok Sabha. [*See* Appendix I, annexure No. 18] Statements II & III give schems approved upto 31st October, 1955.

Wagons

*88. **Shri Bibhuti Mishra** : Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that the North Eastern Railway authorities are not able to cope fully with the demand for wagons from various manufacturers such as Kanpur Jute Manufacturers and sugar manufacturers of Bihar and U. P. ; and

(b) if so, the steps taken so far to meet the demand?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) Lately the supply of wagons on N. E. Railway has greatly improved and the various demands for wagons are being fairly met. Demands for jute and sugar are also being met satisfactorily. Special drive has been instituted to improve wagon availability.

(b) A quota of 168 wagons per day has been fixed for movement of jute from North Eastern Railway stations. Special assistance is also given whenever required. As regards sugar, bulk of the movement takes place under high priority item 'C' of the Preferential Traffic Schedule in accordance with the programme drawn up by the Ministry of Food and Agriculture.

Delhi Road Transport Service

*89. **Shri D. C. Sharma** : Will the Minister of **Transport** be pleased to state :

(a) the number of bus queue shelters constructed in Delhi so far; and

(b) the target fixed during the First Five Year Plan ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) 54.

(b) No target was fixed for the First Five Year Plan but it is proposed to construct 100 bus queue shelters during the period of the Second Plan.

Delhi-Howrah Janata Express

*90. **Shri Tushar Chatterjea** : Will the Minister of **Railways** be pleased to state :

(a) whether Government are aware that for want of iron bars in windows of the sleeping coaches of the Delhi-Howrah Janata Express, journey in such coaches has become unsafe; and

(b) if so, whether Government propose to remedy the defect ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) No, Sir.

(b) Railways have been instructed to fit iron bars in windows of all sleeping coaches.

मानसिक रोगों का अस्पताल, रांची

*९१. **श्री के० सी० सोधिया** : क्या **स्वास्थ्य** मंत्री यह बताने की कृपा करेंगी कि :

(क) रांची के मानसिक रोगों के अस्पताल में कुल कितने रोगियों को रखने की व्यवस्था है ;

(ख) प्रत्येक राज्य सरकार के रोगियों के लिये कितने स्थान सुरक्षित हैं ।

(ग) क्या विभिन्न राज्य सरकारें इस अस्पताल को कोई वार्षिक सहायता देती हैं ;

(घ) यदि हां, तो उसका ब्योरा क्या है ;

(ङ) विभिन्न राज्यों के लिये जो स्थान सुरक्षित किये गये हैं वे उनके द्वारा दिये गये अनुदान के आधार पर किये गये हैं अथवा अन्य किसी आधार पर; और

(च) जिन राज्यों के लिये कोई स्थान सुरक्षित नहीं किये गये हैं उनके रोगियों को भर्ती करने के लिये क्या प्रणाली है ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : (क) ४१५ ।

(ख) आर्थिक सहायता देने वाले भिन्न-भिन्न राज्यों के लिये सुरक्षित रखे गये बिस्तरों की संख्या इस प्रकार है :—

पश्चिमी बंगाल	२५५
बिहार	६०
उत्तर प्रदेश	३५
मध्य प्रदेश	१०
दिल्ली	१०
आसाम	६
उड़ीसा	६
भोपाल	१
राजस्थान	१
उत्तरपूर्वी सीमान्त एजेन्सी	१
	३८५

(ग) और (घ) जी, हां । माली साल के हिसाब से अस्पताल में दाखिल किये गये रोगियों की संख्या के मुताबिक राज्य सरकारें Capitation Charges देती हैं । १९५४–५५ से लेकर १९५५–५६ तक के वर्षों के लिये हर एक राज्य सरकार को २,०३३ रु० के हिसाब से Capitation Charges चुकाने हैं ।

(ङ) विभिन्न राज्यों के वार्षिक अनुदान के आधार पर उनके लिये बिस्तर सुरक्षित रखे गये हैं ।

(च) जो राज्य आर्थिक सहायता नहीं देत, उनके रोगियों के लिये ३० बिस्तर सुरक्षित है जनका पूरा मासिक खर्च उनके सम्बन्धियों को उठाना पड़ता है । अगर इनकी राज्य सरकारें फी रोगी के हिसाब से Capitation Charges देने को तैयार हों तो उन्हें दूसरे राज्यों के कोटे से भी बिस्तर दिये जा सकते हैं । लेकिन उनकी देख भाल का मासिक व्यय रोगी के सम्बन्धियों को उठाना पड़ता है ।

Spas in India

*93. **Shri Gopala Rao** : Will the Minister of **Health** be pleased to refer to the reply given to Starred Question No. 2189 on the 27th September, 1955 and state :

(a) whether the final recommendations of the U.S.S.R. experts regarding the possibility of establishing spas at some of the springs in the country have been received; and

(b) if so, what are their recommendations?

The Minister of Health (Rajkumari Amrit Kaur) : (a) The final recommendations have not been received so far.

(b) Does not arise.

Rural Credit Survey Committee

*94. **Shri Dabhi** : Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 961 on the 20th August, 1955 and state the steps taken by the Reserve Bank of India to implement the recommendations of the Rural Credit Survey Committee with which they are concerned?

The Deputy Minister for Food and Agriculture (Shri M. V. Krishnappa) : A statement is placed on the Table of the Lok Sabha. [*See* Appendix I, annexure No. 19].

Sugar Industry

*95. **Shri Bibhuti Mishra** : Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether it is a fact that sugar mills use press mud for the purposes of manures in various factories; and

(b) if so, how far press mud is useful as compared to cowdung and chemical manures?

The Deputy Minister for Food and Agriculture (Shri M. V. Krishnappa) :

(a) Yes; Sir.

(b) For sugar-cane, press mud has been found to be a better manure than farm yard manure but inferior to chemical fertilisers. As it is useful in improving texture, colour and water holding capacity of soil it can best be used as supplementary to chemical fertilisers rather than as their substitute.

Tourism

*96. **Shri Shree Narayan Das** : Will the Minister of **Communications** be pleased to state :

(a) whether the attention of Government has been drawn to an article written by Dicky Roth and published in the *Times of India* of the 30th October, 1955 under the caption 'His Majesty the Tourist';

(b) if so, the steps taken to remedy the shortcomings pointed out therein;

(c) whether the suggestion that tourist executives of India be sent to foreign countries to serve as apprentices has been considered; and

(d) if so, with what result?

The Deputy Minister of Communications (Shri Raj Bahadur) (a) Yes, Sir.

(b) Most of the statements made in the article were due to certain misunderstandings. The Indian Airlines Corporation have since discussed the matter with Mrs. Dicky Roth in order to clarify the position.

(c) and (d). There is no proposal at present to depute the executives of the Indian Airlines Corporation dealing with tourist traffic to foreign countries for training.

Tourists to Banaras

*97. **Shri D. C. Sharma**: Will the Minister of **Transport** be pleased to state:

(a) whether any facilities are given to the tourists visiting Banaras;

(b) If so, the nature thereof;

(c) whether the number of the tourists visiting Banaras has increased during the last five years; and

(d) if so, to what extent?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The Government of India have opened a Tourist Information Office in Banaras and a batch of Guides have been given training. The Office supplies information to the tourists in regard to the places worth visiting, availability of accommodation, transport and trained guides.

(c) and (d). Statistics of tourists, foreign or Indians, visiting each place of tourist interest are not maintained. The number of foreign tourists who visited the Country in 1954 was 39333 against 20,000 in 1951. Most of the foreign tourists visit Banaras and the increase in respect of that place may be taken to be in the same proportion.

Displaced T. B. Patients

25. Dr. Satyawadi: Will the Minister of **Health** be pleased to refer to the reply given to Starred Question No. 1721 on the 14th September, 1955 and state the details of the beds reserved in the various T. B. Hospitals for displaced T. B. Patients from West Pakistan and the amount placed at the disposal of each State Government for financial assistance to such patients during 1954-55 and 1955-56?

The Minister of Health (Rajkumari Amrit Kaur): Two statements giving the required information are attached. [*See* Appendix I, annexure No 20].

Telegraph Offices

26. { Sardar Hukam Singh: / Shri Bahadur Singh:

Will the Minister of **Communications** be pleased to state:

(a) the number of District Towns, Sub-Divisional and Tehsil Towns which have not yet been provided with Telegraph Offices; and

(b) the number of new Telegraph Offices proposed to be opened in those places during 1955?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b).

Category	No. of Places without Telegraph offices	No. of Places for which Telegraph Offices sanctioned
District Towns . .	4	4
Sub-Divisional Towns .	34	30
Tehsil Towns . .	302	224

It is expected that about 150 offices would be opened during 1955-56, out of the total of 258 so far sanctioned.

Locomotives

27. { Sardar Hukam Singh: / Shri Bahadur Singh:

Will the Minister of **Railways** be pleased to state:

(a) the number of locomotives overhauled in the Central Railway Locomotive Workshop, Parel, Bombay during 1955 so far; and

(b) the number of new locomotives received in that Workshop from foreign countries during the current year?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 311 upto 31-10-1955.

(b) 127 upto 31-10-1955.

मालगाड़ी की दुर्घटना

२८. { श्री अमर सिंह डामर: / श्री बी० डी० शास्त्री:

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि २१ सितम्बर, १९५५ को पश्चिमी रेलवे के अनास और बोरड़ी स्टेशनों के बीच दोहद के पास एक मालगाड़ी नदी में गिर गई थी ;

(ख) यदि हां, तो कितने डिब्बे नदी में गिरे और हर एक में क्या माल था, कितना माल था तथा उसकी कीमत क्या थी ;

(ग) उन डिब्बों में केवल सरकारी माल था या जनता का; और

(घ) यदि दोनों का था तो सरकारी माल कितना और जनता का कितना था ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (d). A Statement is attached herewith. [*See* Appendix I, annexure No. 21].

रेलवे की भूमि पर ताड़ वृक्ष

२९. **श्री अमर सिंह डामर** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि रेलवे की भूमि पर लगे हुये ताड़ वृक्ष, ताड़ गुड़ बनाने के लिये, जनता को पट्टे पर दिये जाते हैं ;

(ख) यदि हां, तो पूरी ऋतु के लिये प्रति वृक्ष कितनी राशि ली जाती है ; और

(ग) वृक्ष गिर जाने पर क्या क्षति-पूर्ति ली जाती है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) जी, हां ।

(ख) नीचे दी गई दरों पर रकम वसूल की जाती है जो सब कहीं एक सी है :—

(१) खजूर -।४।- हर एक पेड़ प्रति वर्ष

(२) ताड़ -।८।- ,, ,, ,,

(३) सागू -।८।- ,, ,, ,,

(ग) जो पेड़ ताड़ी निकालते समय सूख जाते हैं या लाइसेंस की अवधि में अधिक ताड़ी निकालने या गलत ढंग से ताड़ी निकालने के कारण सूखने लगते हैं, उनके लिये समान रूप से हर पेड़ पीछे ४ रुपया मआविजा लिया जाता है ।

रेलों पर दावे

३०. **श्री अमर सिंह डामर** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) पश्चिम रेलवे पर १९५३-५४ और १९५४–५५ में कितने दावे किये गये ;

(ख) इन वर्षों में दावेदारों ने कुल कितनी राशि का दावा किया ; और

(ग) क्या यह सच है कि दावों का निबटारा करने के लिये बहुधा विलम्ब होता है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) १९५३–५४ में ५५,६१८ १९५४–५५ में ६२,९६० ।

(ख) १९५३–५४ में १,३१,४९,४८० रुपये और १९५४–५५ में १,४०,४१,०६५ रुपये । इन में कुछ उन दावों की कीमत शामिल नहीं है जिनकी रकमें नहीं बताई गई थीं ।

(ग) जी नहीं, बल्कि १९५४–५५ में दावे निबटाने का औसत समय ४३ दिन रह गया जब कि १९५३–५४ में यह ४६ दिन था ।

टेलीफोन कनेक्शन

३१. **श्री अमर सिंह डामर** : क्या **संचार मंत्री** यह बताने की कृपा करेंगे कि :

(क) उन स्थानों के नाम क्या हैं जहां टेलीफोन के कनेक्शन १९५४–५५ में पहली बार दिये गये ; और

(ख) उन पर कितना व्यय हुआ ?

संचार उपमंत्री (श्री राज बहादुर) : (क) एक विवरण-पत्र, जिसमें उन स्थानों के नाम जहां १९५४–५५ में पहली बार टेलीफोन कनेक्शन दिये गये हैं, लोक-सभा पटल पर रखा जाता है । **[देखिये परिशिष्ट १, अनुबन्ध संख्या २२]**.

(ख) केवल ४५,३४,४५१ रुपये ।

आयुर्वेदिक औषधालय

३२. **श्री अमर सिंह डामर** : क्या **श्रम मंत्री** यह बताने की कृपा करेंगे कि अब तक श्रमिक राज्य बीमा योजना के आधीन कितने आयुर्वेदिक औषधालय खोले गये हैं ?

श्रम मंत्री (श्री खंडूभाई देसाई) : इस योजना के अधीन अभी तक कोई आयुर्वेदिक दवाखाना या अस्पताल नहीं खोला

गया है, लेकिन ग्रेटर बम्बई में बीमा कराये गये कामगारों के इलाज के लिये आयुर्वेदिक अस्पतालों में ४० पलंगों की व्यवस्था की गई है। इसके सिवाय, १३२ वैद्य पेनल में शामिल किये गये हैं तथा २ आयुर्वेदिक विशेषज्ञ भी सलाह के लिये नियुक्त किये गये हैं। हैदराबाद में, बीमा कराये गये कामगारों के इलाज के लिये, एक आयुर्वेदिक बीमा चिकित्सा अफसर भी नियुक्त किया गया है।

Railway Quarters

33. Chaudhri Muhammed Shaffee: Will the Minister of **Railways** be pleased to state:

(a) the number of Railway employees who have been allotted railway quarters in Delhi;

(b) the number of railway employees who have not been allotted quarters; and

(c) the time, by which the Railway Department would be able to give them quarters?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 4998.

(b) 9648.

(c) Additional quarters are being provided on a programme basis subject to availability of funds. It is hoped that substantial progress will have been made by the end of the Second Five Year Plan.

Ramanagaram Post Office

34. Dr. Satyawadi: Will the Minister of **Communications** be pleased to state:

(a) the date on which the Post Office Ramanagaram (Bangalore Circle) was shifted to the present building;

(b) the rent fixed at the time of the first contract;

(c) the rent paid from December, 1939 upto June 1947; and

(d) the rent paid from July 1947 upto March 1955?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The Post office Ramanagaram was located in the present building on 1-3-1939.

(b) The building was occupied on a monthly rent of Rs. 16/-.

(c) From 1-12-39 to 30-6-47, the total rent payable is Rs. 1,512/- at Rs. 16/- p.m. from 1-12-39 to 28-2-44 and at Rs. 30/- from 1-3-47 to 30-6-47; of this amount a sum of Rs. 27/- has been paid and the balance is outstanding.

(d) A sum of Rs. 3,165/- has been paid as rent for the period from 1-7-47 to 31-3-1955.

Telephone Factory, Bangalore

35. Dr. Satyawadi: Will the Minister of **Communications** be pleased to state:

(a) the total number of persons employed in the Telephone Factory, Bangalore category-wise; and

(b) the number of Scheduled Castes and Scheduled Tribes amongst them?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The requisite information is as follows:—

Categories of employees	Total No. of persons employed	Scheduled Castes amongst them	Scheduled Tribes amongst them
Officers	84	1	..
Supervisory & Other Ministerial Staff	1,056	10	1
Skilled and Semi-Skilled	1,350	77	5
Unskilled	171	29	4
Others including Class IV	766	1	..
Total	3,427	118	10

Flying Clubs

36. Dr. Satyawadi: Will the Minister of **Communications** be pleased to state:

(a) the number of trainees in the various flying clubs at present; and

(b) the prescribed period of training and the amount of expenditure incurred on each trainee?

The Deputy Minister of Communications (Shri Raj Bahadur): (a)

Name of Flying Club	No. of trainees on 31-10-55.
1. Delhi Flying Club	41
2. Bombay Flying Club	89
3. Madras Flying Club	48
4. Bengal Flying Club	31
5. Bihar Flying Club	33
6. Orissa Flying Club	8
7. Hind Provincial Flying Club	57
8. Northern Indian Flying Club	15
9. Madhya Pradesh Flying Club	15
10. Government Flying Training School, Bangalore	23
11. Rajasthan Flying Club	15
Total	375

(b) The trainees at the Clubs fall into three categories :

(i) *National Cadet Corps Trainees* : They are to fly 45 hours and are likely to finish the course in one year. The cost to Government of India on their account is Rs. 55/- per hour per trainee or a total of Rs. 2,475/- per trainee, at Classes I and II Flying Clubs (expected to fly 3,500 and 2,500 hours per year respectively) and Rs. 75/- per hour per trainee or a total of Rs. 3,375 per trainee at Classes III and IV Clubs (expected to fly 1,500 and 1,000 hours per year respectively). (A sum of Rs. 25/- per hour per trainee is also payable to the concerned flying club by the repective State Government under the provisions of the National Cadets Corps Scheme).

(ii) *Scholarship holders* : 50 scholarships have been offered by the Government of India for free flying training at the Flying Clubs upto 50 hours per trainee. The scholarship is available for a period of one year. The cost to Government of India on this, is Rs. 80/-per hour per trainee or a total of Rs. 4,000/- per trainee at Classes I and II Clubs and Rs. 100/- per hour per trainee or a total of Rs. 5,000 per trainee at Classes III and IV Clubs.

(iii) *Trainees for 'A' Licences and Hobby fliers*: Trainees for 'A' licences are to fly 50 hours which they generally do in about 4 months. Hobby fliers may also fly about 50 hours. In this category, persons who are below 28 years of age and are Matriculates are required to pay to the Clubs a fee of Rs. 10 per hour, while others Rs. 25/- per hour. In the case of Matriculates who are below 28 years of age, the expenditure to the Government of India is Rs. 70/- per hour per trainee or a total of Rs. 3,500 per trainee at Classes I & II Clubs and Rs. 90/- per hour per trainee or a total of Rs. 4,500/- per trainee at Classes III & VI Clubs. In the case of others, the expenditure to the Government of India is Rs. 55/- per hour per trainee or a total of Rs. 2,750/- at Classes I & II Clubs and Rs. 75/- per hour per trainee or a total of Rs. 3,750/- per trainee at Classes III and IV Clubs.

Ghani Oil

37. Pandit D. N. Tiwary: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the consumption of *Ghani* oil has decreased; and

(b) if so, the reasons therefor?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Reliable information on this point is not available.

(b) Does not arise.

मगहर रेलवे स्टेशन

३८. श्री राम शंकर लाल : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पूर्वोत्तर रेलव के मगहर रेलवे स्टेशन के पास संत कबीर दास की समाधि है ;

(ख) क्या वहां पर बहुत से यात्री जाते हैं ;

(ग) यात्रियों की सुविधा के लिये सटेशन पर और समाधि के रास्ते में क्या सुधार किये जा रहे हैं ; और

(घ) क्या इस स्थान को यात्री केन्द्र बनाने के किसी प्रस्ताव पर सरकार विचार कर रही है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) जी, हां ।

(ख) मगहर स्टेशन पर रोज़ाना उतरने वाले यात्रियों की औसत संख्या १६२ है । लेकिन यह नहीं कहा जा सकता कि इन में से कितने लोग समाधि का दर्शन करने के लिये आते हैं ।

(ग) एक विवरण साथ नत्थी है । [देखिये परिशिष्ट १, अनुबन्ध संख्या २३.

(घ) जी नहीं, केवल पूर्वोत्तर रेलवे की समय-सारिणी और प्रदर्शिका (टाइम टेबल ऐंड गाइड) में इस समाधि और स्टेशन का महत्व बतलाया जाता है ।

Flood Damage to Communication s

39. Shri G. L. Chaudhury : Will the Minister of **Communications** be pleased to state:

(a) the extent of damages to the Posts and Telegraphs department in U. P. due to the recent floods; and

(b) for how many days the normal communications to the district headquarters remained suspended?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Rs. 46,350 approximately.

(b) A statement containing the required information is placed on the Table of the Lok Sabha . [*See* Appendix I, Annexure No. 24].

Paid Holidays To Railway Employees

40. **Shri Nambiar:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Government have received a representation from the Southern Railway employees requesting for a paid holiday on "ONAM"; and

(b) if so, the decision taken by Government in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Seven employees of the Tool Room Shop of the Southern Railway Workshop at Golden Rock asked for leave for "ONAM" and the same was granted by the Railway Administration, as debitable to their own leave account.

डाक व तार विभाग के कर्मचारी

४१. **श्री भक्त दर्शन :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) ब्रिटिश काल में राजनीतिक कार्यवाहियों में भाग लेने के कारण निकाले गये डाक व तार विभाग के कोई ऐसे कर्मचारी हैं जिन्हें फिर से नियुक्त नहीं किया गया है ;

(ख) यदि हां, तो उनकी संख्या क्या है ; और

(ग) क्या ऐसे कर्मचारियों को जो फिर से नियुक्त कर लिये गये हैं, वरिष्ठता, पैंशन, छुट्टी आदि के नियमों का पूरा लाभ दिया जाता है ?

संचार उपमंत्री (श्री राज बहादुर) : (क) जुलाई, १९४९ में जारी किये गये भारत-सरकार के आदेशानुसार ऐसे केन्द्रीय सरकारी सेवक जिन्हें देशभक्तिपूर्ण कार्यों व राष्ट्रीय आन्दोलनों में भाग लेने के कारण नौकरी से हटाया, निकाला या पदच्युत किया गया था—उनको भारत सरकार के अधीन काम पर फिर से लगाये जाने (न कि पुनर्नियुक्ति) के योग्य समझा गया था । उनको फिर से काम पर लगाने के इस सिद्धान्त पर पुन: विचार किया जा रहा है ।

(ख) इसके बारे में जानकारी प्राप्त नहीं है और यह उपलब्ध की जायेगी ।

(ग) पैरा (क) के उत्तर के अनुसार काम पर फिर से लगाये गये कर्मचारियों को उनकी पिछली नौकरी द्वारा उपार्जित छुट्टी, पेन्शन व वरिष्ठता (Seniority) का लाभ, उक्त आदेशों के अन्तर्गत है ।

Rolling Stock

42. **Shri K. P. Sinha:**
Shri Anirudha Sinha:

Will the Minister of **Railways** be pleased to state:

(a) the total cost of the rolling stock required to meet the rolling stock programme of 1955-56; and

(b) the total number of locomotives, goods wagons and ordinary passenger coaches requird in accordance with the programme of 1955-56?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Estimated at Rs. 108.40 crores.

(b) Locomotives 622
Goods wagons (in units) 37,600
Ordinary Passenger coaches 1,298

Public Call Offices

43. **Shri D. C. Sharma:** Will the Minister of **Communications** be pleased to state:

(a) the total expenditure incurred during 1954-55 on the Public Call Offices in the Punjab; and

(b) the total revenue derived therefrom during the same period?

The Deputy Minister of Communications (Shri Raj Bahadur):

(a) Rs. 1,47,355.

(b) Rs. 3,56,996.

एटा के लिये रेलवे लाइन

४४. **श्री दिगम्बर सिंह :**
श्रीमती इला पाल चौधरी :

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) उत्तर प्रदेश में एटा के लिये

रेलवे लाइन का निर्माण कार्य कब आरम्भ किया जायेगा ;

(ख) वह लाइन कब तैयार हो जायेगी ;

(ग) रेलवे लाइन कितनी लम्बी होगी ;

(घ) इस लाइन पर कौन कौन से रेलवे सटशन बनाये जायेंगे ; और

(ङ) इस रेलवे लाइन के निर्माण पर कितनी राशि व्यय की जायेगी ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) रास्ते की अन्तिम जांच पड़ताल जल्द शुरू होने वाली है । लाइन बनाने का काम तभी शुरू हो सकता है जब यह जांच पूरी हो जाये ।

(ख) अभी तारीख नहीं बतलाई जा सकती ।

(ग) ३७ १।२ मील ।

(घ) रास्ते की अन्तिम जांच-पड़ताल हो जाने के बाद जलेसर और दूसरे स्टेशन जो आवश्यक जान पड़ेंगे, बनाये जायेंगे ।

(ङ) लगभग १,२७,००,००० रुपये ।

भारत में जन्म बर

४५. **श्री बिगम्बर सिंह** : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) आजकल भारत में उत्पन्न होने वाले बच्चों की संख्या कितनी है ;

(ख) उन में लड़के और लड़कियों का अलग-अलग-संख्या कितनी है ; और

(ग) पिछले पांच वर्षों की तुलना में पैदा होने वाले बच्चों की संख्या घटी है अथवा बढ़ी है ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : (क) और (ख). रजिस्ट्रेशन क्षेत्रों के बारे में केवल १९५२ तक की जानकारी प्राप्त है । १९४८ से १९५२ तक देश के भिन्न भिन्न रजिस्ट्रेशन क्षेत्रों में रजिस्टर किये गये लड़के लड़कियों की जन्म-संख्या दिखाते हुये एक विवरण सभा की मेज पर रख दिया गया है । [देखिये परिशिष्ट, १, अनुबन्ध संख्या २५]

(ग) पैदा होने वाले बच्चों की कुल संख्या से पता चलता है कि उन के जन्म में हर साल थोड़ी वृद्धि हुई है ।

Deaf Population in India

46. **Shri D. C. Sharma:** Will the Minister of **Health** be pleased to state:

(a) the total number of deaf people in India;

(b) whether any statistics have been maintained in respect of born-deafs and otherwise rendered deaf; and

(c) if so, the number of born-deafs?

The Minister of Health (Rajkumari Amrit Kaur): (a) No information is available.

(b) No.

(c) Does not arise.

Rolling Stock

47. **Shri Anirudha Sinha:** Will the Minister of **Railways** be pleased to state the procurement programme of Rolling Stock for Indian Railways from foreign manufactures for the current year?

The Deputy Minister of Railways and Transport (Shri Alagesan): A statement giving the required information is attached. [*See* Appendix I, annexure No. 26].

Tube-Wells

48. **Shri Ram Dass :** Will the Minister of **Food and Agriculture** be pleased to state the number of Tube-wells completed and put in working order in the Punjab and PEPSU States, so far, separately?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa) : Under the large-scale programmes of tube-well construction sponsored by the Government of India, 607 tubewells have been com-

pleted and 337 energised in Punjab and 340 completed and 72 energised in Pepsu upto the end of September, 1955.

P. & T. Rented Buildings

49. Shri Gidwani : Will the Minister of **Communications** be pleased to state :

(a) the total number of rented buildings in possession of the Posts and Telegraphs Department on the 31st March, 1955; and

(b) how much rent was paid for these buildings during the year 1954-55?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) and (b). The required information not being readily available is being collected and will be placed on the Table of the Sabha in due course.

Stores Purchased by P. & T. Department

50. Shri Gidwani : Will the Minister of **Communications** be pleased to state :

(a) the total value of stores purchased by the Posts and Telegraphs Department during 1954-55; and

(b) the value of stores purchased in India during that year?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) and (b). Information is being collected and will be laid on the Table of the Lok Sabha in due course.

Food-Grains

51. Sardar Iqbal Singh : Will the Minister of **Food and Agriculture** be pleased to state :

(a) the total quantity of different kinds of foodgrains imported in India during April to 31st October , 1955;

(b) the total quantity of different kinds of foodgrains exported from India during this period separately;

(c) the names of the countries from which these foodgrains were imported; and

(d) the names of the countries to which these grains were exported with their value separately?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa) : (a) to (d). The information is being collected and will be laid on the Table of the House as soon as possible.

N. E. Railway line breaches

52. Shri Amjad Ali : Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 2221 on the 27th September, 1955 and state :

(a) how much money was needed to do the repairs of a permanent or semi-permanent nature in the breaches which occurred in 1955 due to rains and floods in the North Eastern Railway; and

(b) the period of suspension of through booking between Moniharighat and Amingoan ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

Repairs to Railway Bridge on North Eastern Railway

53. Shri Amjad Ali: Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No.2221 on the 27th September, 1955 and state the amount of money needed to bring to a workable condition the bridge between Bijni-Cheprakete(North Eastern Railway) due to the breach which occurred during 1955 rains and floods?

The Deputy Minister of Railways and Transport (Shri Alagesan) : The information is being collected and will be laid on the Table of the House in due course.

Flood Damage to Communications

54. Shri Hem Raj : Will the Minister of **Communications** be pleased to state the amount of loss suffered by Government in the Communications Ministry due to rains and floods in the Punjab, PEPSU and Himachal Pradesh in October, 1955?

The Deputy Minister of Communications (Shri Raj Bahadur) : The requisite information in regard to the loss suffered by the Posts & Telegraphs Department of the Ministry of Communications is being collected and will be laid on the table of the Sabha in due course. No other Department of the Ministry has suffered any loss due to rains and floods in the Punjab, PEPSU and Himachal Pradesh in October, 1955.

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LOK SABHA DEBATES
(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Tuesday, the 22nd November, 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See* Part I)

12 NOON

MOTION FOR ADJOURNMENT

SITUATION IN BOMBAY

Mr. Speaker: I have received a notice of an adjournment motion from Shri A. K. Gopalan and Shrimati Renu Chakravartty which relates to the situation in Bombay and some other related points. I find some difficulty in the admissibility of this motion; but a reference is made to the calling up of the military. That is why I am inclined to have some statement of facts from the hon. Minister.

I might also invite attention to one fact that this notice was handed over to me after the commencement of today's meeting of the House. It should have been, if at all, given before the commencement of the sitting. But, I will not rule it out on that ground but will keep it over for tomorrow so that the hon. Minister may give us such facts as he can, with reference to this.

PAPERS LAID ON THE TABLE

SUMMARY OF BUDGET ESTIMATES OF INDIAN AIRLINES CORPORATION

The Minister of Communications (Shri Jagjivan Ram): I beg to lay on the Table a copy of the summary of the budget estimates of Revenue and Expenditure of the Indian Airlines Corporation for the year 1955-56, under sub-rule (5) of Rule 3 of the Air Corporations Rules, 1954. [*See* Appendix I, annexure No. 27].

MOTOR VEHICLES (AMENDMENT) BILL

The Minister of Railways and Transport (Shri L. B. Shastri): I beg to introduce the Bill further to amend the Motor Vehicles Act, 1939.

PRESS AND REGISTRATION OF BOOKS (AMENDMENT) BILL

Clause 19.—*Insertation of new section (22 etc.)*

Mr. Speaker: The House will now proceed with the further clause-by-clause consideration of the Bill further to amend the Press and Registration of Books Act, 1867.

Shri Kamath (Hoshangabad): Sir, yesterday I mentioned my amendment to clause 19 of the Bill which seeks to bring the State of Jammu and Kashmir within the purview of this measure, and I invited your attention to article 370 of the Constitution, clause (1) (b).

Mr. Speaker: I may invite his attention to one difficulty which I feel with reference to his amendment being in order. It is good that he invited my attention to this particular article. I stated to him yesterday that he might consider the question of a prior consultation or agreement with the Jammu and Kashmir Government before the President is vested with the jurisdiction. In this case, there has been no prior consultation nor consent of that Government. How can this amendment come before the House? How can this House say that this piece of legislation will also apply to the State of Jammu and Kashmir when the Constitution itself provides that it may be done only with the

[Mr. Speaker]

consent of that Government? That is the difficulty which I am feeling about the admissibility of this amendment.

Shri Kamath: To get over the difficulty that would confront my amendment I just wanted an assurance from the hon. Minister, on the lines given yesterday with regard to another matter, that before Bills are piloted in this House by the Government, they would at least take the step of consulting the Government of Jammu and Kashmir with regard to their concurrence or otherwise. The other day this point was raised before the Joint Committee on the Citizenship Bill—and I refer to that because the report is now before the House—and it was said that the Bill would apply to Jammu and Kashmir and it was not necessary to state that it expressly includes—rather, India expressly includes—Jammu and Kashmir. I do not know whether there was previous consultation or concurrence. But, on all matters where it is easily possible to have consultations with the Government of Jammu and Kashmir, it should be done and Government, henceforth at least, must give an assurance to this House that on every measure that comes before this House they will have prior consultation with the Government of Jammu and Kashmir as to whether they would like to have that measure made applicable to their State or not. If that assurance were forthcoming, I may not press this amendment on this occasion because as you said, and rightly too, there has been no prior consultation with the Government of Jammu and Kashmir. But, in regard to future at least an assurance from the Government is necessary that they will have prior consultation and if possible will have the concurrence of that Government with regard to any measure that is sought to be brought before this House. If that is made today, I can consider whether my amendment should be pressed or not. Of course, as you said, it may not be admissible in view of the Constitutional difficulty. That I do realise and appreciate. I would like the hon. Minister to give an assurance on behalf of the Government—I do not know whether he can do that. But the Prime Minister is happily present here. Apparently he is not listening to the debate—probably he is not interested in this Bill. He might make a statement in this matter, if not today at least tomorrow that they will consult the Government of Jammu and Kashmir on every measure that they bring before the House in future.

The Minister of Information and Broadcasting (Dr. Keskar): May I say that my hon. friend Shri Kamath's amendment is clearly inadmissible. Under article 370(1) of the Constitution the power of Parliament to make laws in respect of Jammu and Kashmir is limited to such matters in the Union and Concurrent List which, with the concurrence of the Government of Jammu and Kashmir, the President may by orders specify. In exercise of these powers the President, with the concurrence of the Government of Jammu and Kashmir, has issued the Order dated the 15th May, 1954 called the Constitution Order, 1954. Under this order, the Parliament has no powers to make any law in respect of such matters as are specified in the Concurrent List. This particular subject is in the Concurrent List. As such, we cannot make any provision for the application of this particular legislation to Jammu and Kashmir. Therefore, the amendment is not admissible.

Secondly, as for the point made by Shri Kamath that the Government should give an assurance that in this matter the Government of Jammu and Kashmir will be consulted—as far as a general assurance is concerned I cannot give that general assurance. But, on all desirable legislation the Government of Jammu and Kashmir is consulted and with their concurrence a number of legislative measures are also put on the statute book of that State.

Dr. Lanka Sundaram (Visakhapatnam): Is not this legislation desirable?

Dr. Keskar: I cannot give a specific assurance that the Government of Jammu and Kashmir will be consulted immediately on all legislation and I cannot with regard to this Bill, give a specific assurance that it will be done.

Shri Kamath: May I request the Prime Minister to lend his ear to this, and a bit of his mind too?

Mr. Speaker: It is not necessary to go into the wider question at this stage. The amendment is out of order.

I will now put clause 19 to the House.

The question is:

"That clause 19 stand part of the Bill".

The motion was adopted.

Clause 19 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Dr. Keskar: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

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COMPANIES BILL

Mr. Speaker: We will now take up the next item of business, the further consideration of the motion moved by Shri M. C. Shah on the 21st November, 1955. I do not think I need read the motion again. There are certain amendments one, I think, by Shri Kamath. If he wants to say anything, he may do so.

Shri Kamath (Hoshangabad): I had moved my amendment yesterday. This relates to clause 324. It is on the same lines as the one which I sought to move yesterday with regard to the other Bill which has just been passed. The Minister of Information and Broadcasting yesterday gave an assurance that Government would make up its mind on the recommendation of the Delegated Legislation Committee, but I do not know whether the assurance was given on behalf of the Cabinet as a whole—I take it that it was so—but I would like to have a similar assurance if this amendment is not acceptable straightway. I would again repeat this because the hon. Home Minister is present here fortunately, and in the Joint Committee on the Citizenship Bill, the Home Minister on behalf of the Government accepted this proposition and a new clause has been inserted in the Bill which will shortly come up before the House. When a very senior Minister like the Home Minister has accepted this proposition, I think it should almost automatically, *ipso facto*, apply to all measures coming up before the House and I believe there is nothing which stands in the way of the Government as a whole accepting this proposition. Anyway, I would like the Finance Minister to tell the House what he or his part of the Government feels with regard to this particular point, and if this is acceptable as I hope it will be, there is no further quarrel between him and me. Otherwise I will pursue the matter later on. If the assurance is on the lines of the one given by the Minister of Information and Broadcasting, then we might reconsider the position in the light of the advice that you gave yesterday. May I pause for a while for the Minister to say something on the subject?

Mr. Speaker: What arguments can he advance in support of this?

Shri Kamath: If the Minister does not accept the proposition, then I might say something more.

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I do not accept the amendment. Shall I give my reasons?

Mr. Speaker: The Minister does not accept the amendment.

Shri M. C. Shah: There is a fundamental difference between a notification and a rule. These rules are to be prescribed for conducting an enquiry into the question as to whether a certain industry or industries require a managing agent on a certain date as mentioned in clause 324. Now these are, really speaking, instructions to the department as to how the enquiry is to be conducted and, therefore, these rules are mainly departmental directions and it is not necessary to have these rules discussed by the House and accepted or modified. As a matter of fact, we have already accepted the proposition that the notification should be laid on the Table of both Houses of Parliament. Both Houses of Parliament will discuss the notification and if it is accepted or rejected or modified, in that discussion there will be ample scope to discuss if the enquiry is not conducted in the way in which the House likes. They may reject the notification and may indicate the way in which the enquiry should be conducted. There are so many rules to be prescribed under so many clauses of this Bill and all these rules cannot be placed on the Table. The hon. Member wants to have the rules modified, rejected or accepted by the House. I do not think that we can accept that proposition.

Shri Kamath: The hon. Minister just observed that they are more or less instructions, if I heard him aright. I do not think that he is right in putting it that way, namely, that they would be merely instructions and not rules. They are not executive instructions or departmental instructions, are they?

Shri M. C. Shah: These rules are prescribed for going into the question as to whether a managing agent should be continued in a certain industry or industries. It is a departmental enquiry and these rules prescribe the method of holding that enquiry, or the procedure to be adopted for conducting the enquiry, what things will have to be looked into, etc.

Shri Kamath: I am thankful to the hon. Minister. It is a departmental enquiry and the framing of rules for a departmental enquiry is a very important matter and I do not know why Government should fight shy of this House. Should Parliament have no powers to change the rules if they so desire? It really beats me why Government should not agree to this fundamental proposition that the rules shall be modified by the House if it so desires.

Shri M. C. Shah: Government have already agreed to the rules being placed before the House.

Mr. Speaker: The hon. Minister is repeating the same arguments over and the hon. Member also is doing the same. The only question is whether Government are willing to take it as a general rule as suggested by the Delegated Legislation Committee that whenever any rules are framed, those rules should be placed on the Table of the House and they should be finalised only after Members get an opportunity of suggesting modifications, if any. It is not necessarily the case that for every rule some modification will be suggested, but that is one of the principles which the Delegated Legislation Committee has put forward. Perhaps the hon. Minister was not present yesterday when this discussion took place. Dr. Keskar said that it was a good principle but he was unable to accept it for the particular legislation before the House because that particular recommendation of the Delegated Legislation Committee was under the consideration of the Government and Government had not finalised their conclusion in the matter. He was therefore unable to give any assurance, but he said, if I remember aright, that Government would come to some conclusion and in case they come to the conclusion that the recommendation should be accepted, then if necessary he might bring forward even an amending Bill so far as the rule-making power under that particular Act was concerned. I think Shri Kamath wants only an assurance that Government will consider—not consider favourably necessarily, but just const-

der—the situation, and if they agree that this is a good suggestion which they might accept, then Government will come forward with an amending Bill, not immediately but some time later.

Shri Kamath: Government should make up its mind before the rules are made.

Mr. Speaker: The hon. Member will see the difference in this particular case. The rules are only with reference to section 170....

Shri M. C. Shah: Section 324.

Mr. Speaker: I shall just refer to section 324. It has a restricted scope but it is for the hon. Member and the Minister to consider whether the principle holds good in all matters important and unimportant. I would not express any opinion on that.

Shri U. M. Trivedi (Chittor): May I bring to your notice one rule from the Rules of Procedure and Conduct of Business? In rule 88 we have got a provision that a Bill involving proposals for the delegation of legislative power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character. There has been no such memorandum in this; we have of late noted that such explanations do not accompany wherever Bills of this nature are brought before the House.

Mr. Speaker: Let this fact be verified. But how is it affecting the passage of this amendment?

Shri U. M. Trivedi: It is not merely a question of rule making power under clause 324. It goes further. If the principle enunciated by the Committee on Subordinate Legislation is accepted, it is sought to be circumscribed in these ways.....

Mr. Speaker: The memorandum was placed along with the Bill as orginally circulated. So, the foundation of the hon. Member's argument is not there.

Shri U. M. Trivedi: It may be that I might not have noted it. What I was submitting is this. It is true that the scope of the rules under clause 324 may be very limited. The hon. Minister has said that the rules will merely provided the manner in which the enquiries may be made. There may be something more than that because according to clause 324, subject to such rules as may be prescribed in this behalf, the Central Government may by notification in the Official Gazette declare such and such things. So, the rules will not be merely for enquiring, they will go further. Under those circumstances, if this fundamental principle which has been enunciated by the Committee on Subordinate Legislation is accepted it would be better if a further explanation is given to this clause 324. I do not know if you have verified whether any memorandum or explanation is attached to clause 324 also.

Mr. Speaker: A general memorandum is appended to the Bill and not for every particular clause. I do not think that any further discussion on this point is necessary; it has been throshed out. I will put the amendment to the vote of the House; that is the only alternative.

The question is:

In the proposed amendment—

for sub-clause (3) *substitute*:

> "(3) Copies of all rules prescribed under sub-section (1) shall, as soon as may be after they have been prescribed, be laid before both Houses of Parliament for a period of not less than thirty days, and shall be subject to such modifications as Parliament may make therein."

Those in favour of it will say 'Ayes'.

Some Hon. Member: Aye.

Mr. Speaker: Those against it will say 'No'.

Several Hon. Members: No.

Mr. Speaker: The Noes have it.

Shri Kamath: The Ayes have it.

Mr. Speaker: I am clear the 'Noes' have it. I shall put it again if the hon. Member so pleases. I am sure the 'Noes' will speak a little more loudly.

The question is:

In the proposed amendment—

for sub-clause (3) *substitute*:

"(3) Copies of all rules prescribed under sub-section (1) shall, as soon as may be after they have been prescribed, be laid before both Houses of Parliament for a period of not less than thirty days, and shall be subject to such modifications as Parliament may make therein."

The motion was negatived.

Shri Tulsidas (Mehsana West): I beg to move:

In sub-clause (4) of the proposed amendment—

for "if, within that period, either House disapproves of the issue of the notification or approves of such issue only with modifications, the notification shall not be issued or, as the case may require," *substitute*:

"shall be approved by both Houses of Parliament and".

I want to make certain observations while moving my amendment.

Shri U. M. Trivedi: What about clause 199?

Shri Tulsidas: Rajya Sabha had substituted one year instead of two years. There is no objection to reducing this period.

I would like to read again what I have said at the time when this clause was passed. This would create a certain amount of discrimination. Persons on the managerial staff of any company cannot be employed on the basis of percentage of profits unless the percentage of net profits is defined according to the definition in this particular Bill. I may draw the attention of the hon. House to this fact that a private firm or a foreign firm can employ any managerial staff on different terms. To that extent the advantage to the foreign firm and private firm will be there. However, I am not going into it now. The matter must have been considered by the Government.

[MR. DEPUTY-SPEAKER *in the Chair*]

If the Government feels that this particular advantage may be allowed to them then it is for the Government to decide. I would now come to clause 324. Rajya Sabha has amended this clause. The Government has accepted that amendment and it has been circulated. When this particular clause was adopted, I had also put in a similar amendment. It went much further but it was practically on the same lines of the present Rajya Sabha amendment. I would like to make one point clear here. The hon. Minister while making a reference to this amendment said that the same phraseology had been put in clause 620. That clause relates to the Government companies. They can be exempted from the operation of any section of this Bill. I may say that the application of the provisions of this Bill to Government companies is to a certain extent limited because it has got a narrow scope. Particular companies of the Government or Government Corporations may require to be exempted from certain sections of this legislation; certain others may require exemption in respect of some other clauses. So, there the phraseology was accepted by this House. But this particular clause, 324, relates to the entire industry and so it does become a very important question. Take for instance the textile industry. There may be 400 textile mills in the country and a notification will be for the entire industry. I have no objection if the Government wishes to have this notification issued but at least it should be approved by both Houses of Parliament because it affects the entire industry and not one particular factory or one particular unit. It is very important therefore that when any notification is issued it should be approved by both the Houses

Mr. Deputy-Speaker: Should not the Parliament have the right to modify

any notification? Is it that Parliament must approve it wholly or reject it and not modify?

Shri Tulsidas: My amendment says that the notification shall be approved by both Houses of Parliament and shall be issued only with such modifications as may be agreed on by both the Houses.

Mr. Deputy-Speaker: Your amendment is to substitute the words:

"shall be approved by both Houses of Parliament and"

Shri Tulsidas: The other portion I have left as it is. I have removed the words starting from "if" up to "require" and I have kept the words "shall be issued only with such modifications as may be agreed on by both the Houses." What I want is that either it must be approved or it must be issued as modified by both the Houses of Parliament. I feel, as this is a very important question, it is but proper that whenever any notification is desired to be issued by the Government then it should take the approval of the Houses or it should issue it in the manner the Houses desire. As this is an important question I am sure my friend the hon. Minister will consider it from that aspect and not, because clause 620 has got the same phraseology, decide that this clause 324 should be worded in the same manner.

I have got only these points and I hope the hon. Minister will accept my amendment.

Mr. Deputy-Speaker: Amendment moved:

In sub-clause (4) of the proposed amendment—

for "if, within that period, either House disapproves of the issue of the notification or approves of such issue only with modifications, the notification shall not be issued or as the case may require," *substitute*:

"shall be approved by both Houses of Parliament and"

Shri U. M. Trivedi: Yesterday we had a very clarifying discussion on this question of delegated legislation and it is in that very terminology that this particular amendment has been suggested by the Government.

Today there is another amendment standing in the name of Shri Bansal. I think that is a very wise suggestion that has been put forward. The position under our Constitution is this: that our Constitution places greater importance on the powers of the House of the People or Lok Sabha, so to say, and does not concede similar powers, where money Bills are concerned, to the Council of States or Rajya Sabha. In this particular instance the provision under article 117 gives us an indication that this is the type of Bill which cannot be introduced in the Council of States. In other words it has got the same colour as an ordinary money Bill and if introduction of such a Bill cannot be left in the hands of the Rajya Sabha my submission is that the approval or disapproval of the rules that must be made under the provisions of clause 324 of the Companies Bill should also not be left in the hands of the Rajya Sabha. This will create an impasse at some time. Therefore, even if the fundamental principle enunciated by the Committee on Delegated Legislation is accepted it would be quite in the fitness of things if this particular portion of the amendment which refers to both Houses of Parliament and says "be approved by both the Houses" or "either House disapproves" is dropped. It should only be "either approved or disapproved by Lok Sabha". Let Lok Sabha be the final arbiter on the question of these rules. Therefore, I do not completely agree with what my friend Shri Tulsidas has said although I quite appreciate what he has said. I would prefer that the amendment of Shri Bansal be accepted in toto.

Shri Bansal: (Jhajjar-Rewari): I beg to move:

(1) In the proposed amendment—
in sub-clause (4)—

for "either House" *substitute* "Lok Sabha".

[Shri Bansal]

(2) In the proposed amendment—

add the following proviso to sub-clause (4):

> "Provided that no notification will be issued unless it has been before Parliament for a period of thirty days."

I am thankful to the hon. Speaker who spoke just before me for having tried to explain the constitutional position.

I will not devote my time in explaining the constitutional position and I would only like to draw your attention to the confusion that will be caused if the clause is passed as amended by the Rajya Sabha. If you will bear with me, Sir, I will explain what happens if the clause is passed as it is. Supposing the Lok Sabha approves of a particular notification and the Rajya Sabha disapproves of it, then what will be the position; or, suppose that notification is modified by the Lok Sabha and the Rajya Sabha accepts it in toto, then what will be the position? The wording in the amendment here is: "either House disapproves of the issue of the notification or approves of such issue only with modifications". Supposing the Lok Sabha modifies a particular notification and the Rajya Sabha does not modify it, then what happens?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): Joint Session.

Shri Bansal: If you are contemplating a joint session for issuing a notification then I have nothing to say. What I am trying to point out is that this particular clause has not been drafted after very careful consideration of all the implications. Therefore, what I am suggesting is that instead of "either House" it should be only "Lok Sabha" and I think my amendment will commend itself to the hon. Finance Minister.

Shri Morarka (Ganganagar—Jhunjhunu). This amendment has been made by Rajya Sabha.

Shri V. P. Nayar (Chirayinkil): Please stand up and speak.

Shri U. M. Trivedi: He is sitting on the wrong benches.

Shri Bansal: My second amendment relates to another drafting lacuna in this particular clause. The clause says that the notification shall be laid in draft before both Houses of Parliament for a period of not less than thirty days while they are in session. What happens when the Houses of Parliament are not in session?

Shri M. C. Shah: It cannot be laid.

Shri Bansal: Then the notification is given effect to.

Shri M. C. Shah: No, no.

Shri Bansal: How "No"? After all, we are analysing the language of a particular clause and it will not be enough if the Finance Minister simply says "it cannot be" or "it will not be". What we have to do is to consider the language of the clause. The language of sub-clause (4) is:

> "A copy of every notification proposed to be issued under sub-section (1) shall be laid in draft before both Houses of Parliament for a period of not less than thirty days while they are in session;"

What happens when the Houses are not in session?

Mr. Deputy-Speaker: The word there is "while" and not "if". Therefore, if the Houses are not in session the notification need not be laid. It is only said that the notification shall be laid while the Houses are in session and therefore they will have to wait until the session starts.

Shri Bansal: Supposing they issue a notification, they cannot lay it.....

Mr. Deputy-Speaker: They cannot issue.

Shri K. K. Basu (Diamond Harbour): They can only issue a draft.

An Hon. Member: Why this suspicion?

Shri Bansal: It is no question of suspicion. I have, therefore, given a small clarifying proviso which simply reads:

> "Provided that no notification will be issued unless it has been before Parliament for a period of thirty days."

If the intention is what my proviso says then there is no harm in my amendment being accepted by the Finance Minister.

Those are my two small amendments and I hope they will be accepted by the Finance Minister.

Mr. Deputy-Speaker: Amendments moved:

(1) In the proposed amendment—

In sub-clause (4)—

for "either House" *substitute* "Lok Sabha".

(2) In the proposed amendment—

add the following proviso to In sub-clause (4)—

> "Provided that no notification will be issued unless it has been before Parliament for a period of thirty days."

Shri C. C. Shah (Gohilwad—Sorath): The intention of the amendment as moved by the hon. the Finance Minister and the meaning of it —not merely the intention but even the meaning—are quite clear namely that no notification can be issued unless it is approved by both the Houses or that the notification cannot be amended or modified unless the modification is also agreed to by both the Houses, because the words are:

> "A copy of every notification proposed to be issued under sub-section (1) shall be laid in draft before both Houses of Parliament for a period of not less than thirty days while they are in session."

So the obligation is there that it shall be laid and it shall be laid while the Houses are in session. Therefore, as you, Sir, rightly pointed out, the words not being "if they are in session" and the words being "while they are in session" I think there is no room for doubt about the matter and the proviso sought to be added by the amendment of Shri Bansal, I submit, is unnecessary.

With regard to the amendment moved by Shri Tulsidas, with respect, I submit that it does not make much meaning, because the amendment as moved by the hon. Minister says that if it is disapproved by either House, the notification shall not be issued. It means that it must be approved by both the Houses.

Several Hon. Members: No, no.

Shri C. C. Shah: "If it is disapproved by either House." It means that if the Lok Sabha disapproves it or the Rajya Sabha disapproves it, it cannot be issued. It must be approved by both.

Shri Tulsidas: They are negative and positive. That is the only difference.

Shri K. K. Basu: It is a difference in approach.

Shri C. C. Shah: The amendment, as moved by Shri Tulsidas, as you, Sir, rightly pointed out, leaves out modifications.

Shri Tulsidas: I made it clear.

Shri C. C. Shah: No, because you retain the last few words and the portion which relates to modification is omitted in the amendment which you propose to move.

Shri Tulsidas: I am prepared to have a change in the draft.

Shri C. C. Shah: The amendments made by the Rajya Sabha are entirely clear, both in their intention and in their meaning, and so, there is no necessity for any of the amendments moved by the hon. Members being accepted. They are at cross purposes really speaking, because the intention of my friend Shri Bansal is that it must be laid before the House for thirty days, and it should not be issued

[Shri C. C. Shah]

before that time. I can assure him that the meaning is perfectly clear that it shall be laid before the House.

As regards Shri Tulsidas' amendment that it should be approved by both the Houses, the meaning is absolutely clear that it cannot be issued unless it is approved by both the Houses.

Shri Tulsidas: May I ask for a clarification? Will the modification suggested by the Rajya Sabha require a resolution of both the Houses?

Shri C. C. Shah: No.

Shri Tulsidas: Therefore, according to Rajya Sabha, if a notification is laid on the table of the House and if nobody raises any question about it here, it is all right. That means that it is approved automatically. My amendment is to the effect that it requires a resolution of the House to approve of it. That is the difference.

Shri U. M. Trivedi: He does not want to take up that difference.

Shri C. C. Shah: It is open to the House either to disapprove it or approve it with modification. But if no amendment is moved either for disapproval or for modification, then it is obvious that the notification is approved.

Mr. Deputy-Speaker: What is the object of this delegated legislation? The rules have to be placed before the House and the approval of the House is sought. Those who make the rules have the authority to frame the rules and they will give advice to the Government and the rules are placed before the House. If that is not to be, then rules may be framed and amendments moved as amendments are moved for a Bill and all the formalities can be gone through. Then there is no need for any delegated legislation. If, after it has been placed before the House, the House does not think that there should be an amendment, still, is approval necessary? Hon. Members will consider this aspect. That is how it strikes me. What is the object of this? Placing it before the House and accepting it means that there is an active attempt that it should be delegated to some other person; the officers of the Law Ministry will give the rules and the Minister will place them formally for the amendment of the original Act and then it can go through all the several stages. What is the difference?

Shri Tulsidas: The difference lies here. In clause 320, it has a limited scope, and in clause 324, we have given the power to the Central Government to notify the companies and specify the classes of industries. The entire industry has to be notified. Before notification, the point is that it should get the approval. The entire industry is concerned, and it is not merely one unit. This is an important notification. It is not only the rule-making power and delegated legislation, but it is a notification to have a particular industry put up on that basis.

Shri C. C. Shah: As regards the other amendment of Shri Bansal that it should seek the approval or the modification only of or by the Lok Sabha, I am afraid it cannot be agreed to, obviously because if the Act itself requires the approval of both the Houses, it is fair that the rules or notifications which are made in pursuance of the Act should also have the approval or modification by both the Houses. I do not want to go into the constitutional position but the thing is entirely clear that except for money Bills, both the Houses have co-extensive powers.

Mr. Deputy-Speaker: If both the Houses can delegate powers to the executive, cannot powers be delegated only by this House?

Shri C. C. Shah: I think it can be but it would not be proper to do so.

Shri Raghavachari (Penukonda): I wish very respectfully to point out, in

spite of what Shri C. C. Shah has said, that there is no doubt in the language and that, to my mind, it is equally clear that the language as it is now clothed in simply means that if any one of the Houses disapproves of the notification, the notification cannot be issued. If any of the two Houses wants to have the notification issued with a modification, then both the Houses will have to concur in the modification. That is how the language stands. Supposing a draft notification is placed before both the Houses and this House or the other House rejects it, the notification cannot be issued. There is an end of it. If any one of the Houses proposes a modification, then that modification will have to be approved by both the Houses. Supposing a draft is put before this House and the other House, and this House approves of it and the other House tries to modify it, then that amendment must come here, as the language stands now. The amendment says:

> "....and if, within that period, either House disapproves of the issue of the notification or approves of such issue only with modification the notification shall not be issued or, as the case may require, shall be issued only with such modifications as may be agreed on by both the Houses."

That means if the Rajya Sabha says there should be a modification, then that modification will have to be approved by this House also. Therefore, in the case of modification only, consent and approval of both the Houses is required. In the case of rejection by any one of the Houses, there is an end of it. Therefore, the language is certainly not clear and will not permit if the intention is that in both cases the approval of both the Houses is required.

Mr. Deputy-Speaker: The hon. Member misunderstands the last line: ".....as the case may require, shall be issued only with such modifications as may be agreed on by both the Houses".

Shri Raghavachari: The approval has to be given by both the Houses if there is a modification. I agree. What I say is, for disapproval, one House is enough. If the notification is disapproved by one of the Houses, there is no question of concurrence of both the Houses.

Mr. Deputy-Speaker: What does the hon. Member suggest? Does he suggest that even if one House disapproves and the other House approves, the notification shall be issued?

Shri Raghavachari: I do not say that it should be so. Only the language, as it is, gives that meaning.

Mr. Deputy-Speaker: Disapproval is a fundamental thing. The object of the Constitution is this: both the Houses must accept either wholly or partially. There is no question of either House, or rather, both the Houses accepting. Even if the other House disapproves, it is useless, because, in the case of a Bill, if this House rejects a Bill finally it cannot be taken to the other House.

Shri Raghavachari: No; I only wanted to point out that the language, as clothed here, definitely makes a distinction between disapproval and approval. In the case of disapproval, if one of the Houses disapproves, there is an end of it. In the case of modification, both the Houses are to concur. My friend was saying that both in the case of disapproval and approval, both the Houses are to concur.

Shri N. C. Chatterjee (Hooghly) *rose.*

Mr. Deputy-Speaker: I think it is like a snowball gaining momentum. I am afraid I cannot allow any other Member to continue.

Shri N. C. Chatterjee: I should have finished by this time were it not for the interruptions.

Mr. Deputy-Speaker: No, no. I will hereafter take note if those Members who stand in the first round only and not in the second and third rounds! As discussion goes on, hon. Members

[Mr. Deputy-Speaker]

go on thinking about it afresh and stand up to speak. Of course, there is no harm in thinking. Yes, Shri N. C. Chatterjee may now speak.

Shri N. C. Chatterjee: I am obliged to you, Mr. Deputy-Speaker. What I pointed out last time in this House was that this amendment which has been introduced by the upper House was exactly in conformity with the recommendation of the Committee on Subordinate Legislation. I was pressing that this was a healthy and salutary principle which ought to be accepted. Of course, there is some point in what Mr. Kilachand has said. Clause 620 of the Bill deals with the "Power to modify the Act in relation to Government companies." It says:

> "The Central Government may, by notification in the Official Gazette, direct that any of the provisions of this Act (other than sections 618, 619 and 639) specified in the notification—
>
> (a) shall not apply to any Government company;" etc.

If you turn to clause 618, it says "Future Government companies not to have managing agents." All that we have been legislating is this, namely, no Government company shall have a managing agent; but if in any particular case, the Government wants to have a managing agent, it will be possible. But it will happen once in a blue moon. Then, we have given power to the Government to issue a notification. Under sub-clause (2) of clause 620, that notification shall be laid in draft before both Houses of Parliament and if there is no disapproval, it shall automatically become the law of the land. The power that we have given to the Government under clause 324 is not subordinate legislation. We are giving the power to the Government to say today or the day after that in textile industry, there shall be no managing agent. That will affect the 400 or 500 textile mill companies and there will be serious repercussions. The Central Government is being given the power to notify that companies engaged in specified industries shall have no managing agents. It is a serious power; it is not merely a delegated legislation. We want some assurance, so that it is not a question of a negative approach. It should get the imprimatur of this House as well as the upper House. I do not want uni-cameral ratification. This is not technically a Money Bill; therefore, I want both Houses to apply their mind. Otherwise, placing it on the table for 30 days and doing nothing will be a negative approach and it does not help us. You are conferring on the Government an uncanalised power. I do not know whether it is perfectly legal and constitutional, but assuming it is so, it is an uncanalised and unrestricted power conferred on the executive to notify, say, that all companies in the jute industry shall have no managing agents. Then, it should be prescribed that Parliament must say "yes". Parliament must ratify it. Parliament must give its imprimatur to that very very important and serious decision taken by the executive and only then it shall be the law of the country. Otherwise nothing happens if it is merely placed on the Table for 30 days....

Mr. Deputy-Speaker: Does the hon. Member think Mr. Kilachand and Mr. Somani will be there quiet?

Shri N. C. Chatterjee: I want Mr. Deshmukh or Mr. Shah to take up the matter. I mean not Mr. C. C. Shah, but Mr. M. C. Shah, unless something happens to him in the mean time. It should be obligatory on the Ministry, on the executive, who are going to exercise this very very extraordinary power to have the legislative sanction, the imprimatur of the Parliament before all managing agents are given the order to quit particularly in certain industries

Shri G. D. Somani (Nagpur-Pali): I would make only a few observations on these two amendments. So far as the first amendment is concerned, the

principle involved will of course create a lot of difficulty, but since the principle is not under consideration today, I have nothing much to say, because the curtailment of the period from two years to one year is of minor significance and I think it was not worthwhile for the Government to have accepted that amendment and taken this trouble of coming to this House for such a minor matter.

Coming to the amendment regarding clause 324, I would like to endorse what Mr. Chatterjee has just now said, because it is not a notification of a routine nature. Any such notification involving an entire industry, be it jute or textiles, may have very far-reaching repercussions on our entire national economy. Therefore, it is not sufficient for the Government to say that the draft notification will be laid before the House and then it will be left to the initiative of somebody in the House to raise a discussion. I think the Government must come forward with a positive motion for seeking the approval of the House, because the notification about removing the managing agency system in any industry is a matter of far-reaching economic significance. It is very appropriate that when the Government have accepted some such amendment which we moved when the Bill was under consideration in this House, then they should go to the fullest possible extent and they should assure the House that it is their intention to come forward with a positive motion before the House for seeking the approval or modification of any such notification which they might issue. I might also draw the attention of the hon. Minister in this connection to the amendment that we had tabled in which both myself and Mr. Kilachand had suggested that any such notification should also be preceded by a comprehensive enquiry about the pros and cons of the working of the particular industry about which the Government might be thinking of issuing the notification. It would have been better if the Government had also incorporated in this amendment that such notification would only be issued after a comprehensive enquiry has been made and after an opportunity has been given to the industries concerned to place the facts and figures about their working. As you know, Sir, about 80 per cent. of the industrial concerns are at present controlled by the managing agency system and therefore, any move to abolish this system will have far-reaching repercussions. I therefore submit that the hon. Minister should be able to give us a positive assurance that such notification will be moved by a positive motion for seeking the approval of the House. It will not be sufficient to just lay the draft on the Table of the House.

Shri M. C. Shah: Regarding clause 199, Mr. Tulsidas has raised one point about remuneration. He knows well that this Act will apply to all the companies, Indian and foreign, registered in India. Therefore, there is no question of discrimination so far as clause 199 is concerned.

Mr. Somani says that the Government ought not to have agreed to reduce the period from two years to one year. When it has pointed out to us that we are giving certain concessions to the small officers and employees other than managing agents, directors, secretaries and treasurers to have their remuneration or commission paid on the net profits and when we accepted that principle, we then thought that the time of grace may be two years. So many items are to be deducted before arriving at the net profits and so we thought that two years will be necessary. But then it was pointed out to us that two years would be a long period and that while accepting the principle of allowing these officers to have their remuneration or commission paid on net profits, that should also come into force after one year at the most. We accepted that compromise; and, we think it is a fair and reasonable compromise.

Coming to the amendment to clause 324,.....

1 P.M.

Shri Tulsidas: I want to make one point clear. As regards discrimination, the reference was not to foreign companies registered in India. But, these companies are not registered in India; they have branches here. There is discrimination to that extent.

Shri M. C. Shah: How can we regulate this in the Companies Bill, I do not understand. The Companies Bill will apply to those companies which are registered in India, both Indian and foreign. There is no discrimination so far as clause 199 of the Indian Companies Bill is concerned. There are other ways by which we may regulate or we can regulate the commissions or remuneration paid on the net profits of foreign concerns. That is a matter quite apart from the Companies Bill. Whether the remuneration is high, whether the salaries are high, whether they must be brought down, that matter can be taken up in another way, perhaps by the Commerce and Industry Minister. Shri Tulsidas will be well advised to raise that point with the Commerce and Industry Ministry or Minister.

With regard to clause 324, I thought that the Members on the opposite side will appreciate the action of the Government in accepting this amendment. Here, Shri Tulsidas had moved an amendment which was very wide. We could not accept that amendment. Thereafter, in clause 620, we accepted an amendment of a similar nature. The matter then went to the Rajya Sabha. In the Rajya Sabha this question was again raised. We thought that if we could accept that amendment in a modified way, it would be better. We thought that we must take the Houses into confidence and must have the advice of the Members of both the Houses before issuing a notification which will affect the industries in a great way: whether the managing agents should remain or should go. Therefore, we accepted that amendment. My hon. friend Shri Tulsidas seems to be hurt. I thought that they would appreciate the action of the Government in agreeing to these notifications in draft being placed on the Table of both the Houses of Parliament. If either House disapproved of this notification, it will not issue. If the Houses suggest certain modifications and if the notification with the modifications is agreed to by both the Houses, then the notification may issue with the modifications. This is a very distinct advantage. Really speaking, we thought that we must share this responsibility of issuing the notification with the Members of both the Houses of Parliament. Therefore, I expected some appreciation of this concession agreed to by the Government from the opposite benches. I am sorry that they have taken the opportunity of these amendments being moved in this House, to be critical. As a matter of fact, there is no doubt about the wording of the amendment. If either House disapproves this notification, the notification will not issue. If there is a modification in the notification and if that is agreed to by both the Houses, that notification will issue. I think the position is very clear. It is really a progressive amendment that was accepted by the Government in the Rajya Sabha after having accepted the amendment in clause 620. It may be that in clause 620, it comes in in a restricted way in certain Government companies. Here, it is a big problem, about the ending of the managing agency system. There too, we thought that the Government would be well-advised to take into confidence both the Houses of Parliament, and if they disapprove of the action of the Government in terminating the managing agency in a certain industry or industries, certainly the notification should not issue, and if there are certain modifications and if they are agreed to by both the Houses, the notifications will issue with those modifications. I think that is very clear. The amendment is worded clearly. I do not think that any hon. Member should object to this progressive step taken by the Government.

About the amendment of my hon. friend Shri Bansal, as regards Lok Sabha, I do not think it will be proper to accept that amendment. As a matter of fact, this amendment was suggested in the Rajya Sabha. We agreed. Now, it is brought here. I think it will not be proper for the Government to accept an amendment restricting the right to the Lok Sabha only. If either the Lok Sabha disapproves or the Rajya Sabha disapproves, then, the notification will not issue. Therefore, I think that the amendment as proposed by the Government should be accepted by the House. These are the only points raised.

It has been said now that we must accept the position that these notifications in draft must be approved by both the Houses, or a resolution should be moved by the Government that such and such a notification in draft be approved. I think, to place that notification draft on the Table of the Houses will quite suffice. The Members will be vigilant and if the Members feel that they should not approve of the notification draft, they can move in the matter within 30 days. Therefore, we have provided that the notification shall be laid on the Table of both the Houses for not less than 30 days.

A doubt was raised by my hon. friend Shri Bansal, what will happen if the Houses are not in session. The notification cannot issue, because it is obligatory on the Government to have this notification placed on the Table of the Houses for not less than 30 days. From that it is very clear that the Government cannot issue any notification when the Houses are not in session. I think my hon. friend Shri Bansal will take this assurance. Even that assurance was not necessary because the language is very clear. I hope and trust that the House will agree to the amendments moved.

Mr. Deputy-Speaker: Both the amendments of Shri Bansal?

Shri M. C. Shah: Yes; I cannot agree.

Mr. Deputy-Speaker: I shall first put Shri Bansal's amendments to the House and then, if necessary, Shri Tulsidas's amendment.

Shri Tulsidas: In whatever order you like.

Mr. Deputy-Speaker: I shall first take up Shri Tulsidas's amendment.

The question is:

In sub-clause (4) of the proposed amendment—

for "if, within that period either House disapproves of the issue of such notification or approves of such issue only with modifications, the notification shall not be issued or, as the case may require," *substitute*:

"shall be approved by both Houses of Parliament and".

The motion was negatived.

Mr. Deputy-Speaker: Now, both the amendments of Shri Bansal.

Shri Bansal: In view of the assurance given by the Finance Minister, I withdraw my amendments.

Some Hon. Members: He should have the leave of the House.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw the amendments?

Some Hon. Members: Yes.

Some Hon. Members: No.

Mr. Deputy-Speaker: Even if there is one objection, I have to put the motion to the House.

The question is:

In the proposed amendment—

in sub-clause (4)—

for "either House" *substitute* "Lok Sabha".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In the proposed amendment—

add the following proviso to sub-clause (4):

"Provided that no notification will be issued unless it has been

[Mr. Deputy Speaker]

before Parliament for a period of thirty days."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the following amendments made by Rajya Sabha in the Bill to consolidate and amend the law relating to companies and certain other associations, be taken into consideration:

Clause 199

(1) That at page 100, line 23, *for* the words "two years" the words "one year" be *substituted*.

Clause 324

(2) That at page 170, *for* lines 24 to 26, the following *be substituted*, namely:

"(3) Copies of all Rules prescribed under sub-section (1) shall, as soon as may be after they have been prescribed, be laid before both Houses of Parliament.

(4) A copy of every notification proposed to be issued under sub-section (1) shall be laid in draft before both Houses of Parliament for a period of not less than thirty days while they are in Session; and if, within that period, either House disapproves of the issue of the notification or approves of such issue only with modifications, the notification shall not be issued or, as the case may require, shall be issued only with such modifications as may be agreed on by both the Houses".'

The motion was adopted.

Shri M. C. Shah: I beg to move:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

Mr. Deputy-Speaker: The question is:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

PREVENTION OF CORRUPTION (AMENDMENT) BILL

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move:

"That the Bill further to amend the Prevention of Corruption Act, 1947, and to make a consequential amendment in the Criminal Law Amendment Act, 1952, be taken into consideration."

This is a simple Bill, but though the measure is a minor one, it has a laudable purpose. I am confident that it has a laudable purpose. I am confident that it will be readily accepted by the House.

The Bill has been designed in order effectively to combat the evil of corruption. Certain lacunae have been noticed in the Prevention of Corruption Act which was passed in 1947 and as a result it has been found necessary to introduce this Bill.

As hon. Members may be aware, the Prevention of Corruption Act prescribed a procedure for facilitating the investigation and trial of corruption cases, but it was restricted only to sections 161 and 165 of the Penal Code. Section 161 relates to the taking of a bribe by a public servant, and section 165 to the obtaining of any valuable things without consideration by a public servant. Clauses 162, 163 and 164 which deal with allied matters and almost the same subject were, however, then left out. It is necessary to prescribe a similar procedure for these offences too.

As I said, section 161 relates to the taking of illicit gratification by a public servant. Section 162 relates to the taking of gratification by corrupt or illegal means in order to influence a public servant, and section 163 to the taking of similar gratification for the exercise of personal influence by

a public servant, and section 164 relates to abetment by a public servant of the offences defined in sections 162 and 163. So, it is intended to apply the same methods for the investigation and trial of cases that may fall under sections 162, 163 and 164. I do not expect any opposition from any quarter. So, it does not seem to me necessary to elucidate what is stated in the provisions of the Bill or to further advance any elaborate arguments.

I am prepared to simplify the Bill further. I would myself suggest the omission of clause 2 from the Bill as sections 162, 163 and 164 have now been included in the list of congnizable offences by the Criminal Law Amendment Act. As the provision has been made, it is not necessary to have this clause. It has become superfiuous.

I am also prepared to delete clause 3 as it says that these offences will not be investigated except by officers of a certain rank. I do not think that such an exception is necessary. So, I will be prepared to agree to the omission of this clause too. The rest is simple. So, I hope this motion will be accepted by the Members unanimously without any further discussion.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill further to amend the Prevention of Corruption Act, 1947, and to make a consequential amendment in the Criminal Law Amendment Act, 1952, be taken into consideration."

Shri V. P. Nayar (Chirayinkil): I was listening to the speech of the Mover, thinking that he would give a little background of this piece of legislation. I do not consider that this measure is as simple as the Mover sought to make it out to be.

You know, Sir, that amendments to the law relating to the prevention of corruption have come before this House for discussion; not in the very long past, but in April this year when Shri U. C. Patnaik, brought forward a Bill. It was a private Member's Bill in which he sought to include certain provisions for the confiscation of property which was found by a Court which enquired into the case to have been acquired by illegal means. That Bill was circulated for eliciting opinion, and here I find that almost every State Government has forwarded the opinion of either its judiciary or its executive officers. Why I say this is because the hon. Mover said that it is so simple, and my submission is that it is not so very simple.

Mr. Deputy-Speaker: He said the amendment was simple, not the Bill itself.

Shri V. P. Nayar: The amendment as it reads may be simple, but the law relating to the prevention of corruption has to be modified in a different way. This is not the way in which it has to be modified.

Mr. Deputy-Speaker: We are going into the fundamentals. That is not the object of the Bill.

Shri V. P. Nayar: Sir, I am not going into the fundamentals. I am saying this because on another occasion when an amendment was sought by a private Member, the Government gave an assurance—I remember that it was given by Shri Datar—that the principle of the Bill would be accepted and the relevant provisions in the Criminal Law Amendment Act also would be made up to date. I was looking forward, when we knew that this particular enactment was being amended, that Shri Datar or the Home Minister would certainly act up to the promise which was given. I may be permitted to read a sentence or two from the speech of Shri Datar made on the 2nd April, 1955 when Patnaik's Bill was being discussed:

> "As I pointed out, we are going to consider the question of incorporating such a provision as was envisaged in the Bill of Shri U.C. Patnaik in the Criminal Law Amendment Act."

[Shri V. P. Nayar]

Later on, he said:

"I may point out to the House that Government are also examining the underlying purpose that the hon. Member has as to the way in which it can be brought about otherwise than by accepting or dealing with the Bill."

My submission is that Government committed themselves by a positive declaration that the principle of the private Member's Bill was accepted and that they did not propose to oppose the Bill being circulated. But now, after several months, they have come forward with this measure seeking to amend, and making up to date, the law relating to the prevention of corruption. Sir, I am not going into the fundamentals because that may not be called for, but I must submit that in amending these particular provisions in this Bill, Government have not taken all the aspects into consideration.

When I went through the debate on the original Bill in 1947, I found that as a Member you Sir, were also very keen on making the law up to date, and I find several amendments in your name, although you did not make any speech. But you will remember that when Sardar Vallabhbhai Patel introduced the Bill in 1947 on the eve of Independence, this is what he said. I shall read from the speech of Sardar Vallabhbhai Patel on the 3rd February 1947. I am unable to place my hands upon the exact portion....

Mr. Deputy-Speaker: The substance may be given.

Shri V. P. Nayar: Yes, Sir. He said that nobody disputes that there is corruption in the official world and nobody disputes that it is assuming alarming proportions. Of course, Sardar Vallabhbhai Patel attributed as one of the main reasons, the controls prevailing at that time, which had been introduced as a result of the war situation. And later on, you will find that he also said that the Special Police Establishment was an organisation which was primarily set up for fighting corruption.

Now, Sir, if at all the original Act seeks to eradicate corruption—it is called the Prevention of Corruption Act—this amending Bill also is said to aim at making corruption less and less, then only one form of corruption, that is, bribery, is attempted to be tackled by these legislations. I need not go on describing the various forms of corruption, but we find—and everybody will agree, even the hon. Members opposite will agree—that of every known form of corruption there are exponents, and very clever exponents at that, in the service of Government. I do not say that all Government servants are corrupt: not at all. But there are corrupt people, and I must say that the entire administration, as a result of the corruption on the part of a few, is being corroded to its very core.

The Planning Commission also took into consideration the prevailing corruption when they drafted the First Five Year Plan, but did not arrive at a solution. Now, when the First Five Year Plan is coming to a close, and we are considering how the Second Five Year Plan has to be evolved, I submit that an amendment of this nature to the law relating to the prevention of corruption will serve no purpose, unless it be that Government want by this legislation to include within the ambit of the special protection which the Prevention of Corruption Act now gives to Government officials, certain other lesser offences also. That is why I said that certain sections which are sought to be amended by this legislation ought to have been amended further and Government ought to have come forward in the present context with a different amendment, to which I shall come later.

Mr. Deputy-Speaker: I find that out of order. Through his amendment, the hon. Member wants to omit particular clauses of the original sections of the Act to which some provisions are going to be added now. He can oppose the inclusion of these new provisions, but he cannot now say that the original section itself ought to be omitted.

Shri V. P. Nayar: I was myself not very certain about their admissibility. But I ascertained from the offices that the scope of an amendment given notice of by a Member is restricted to the section which is sought to be amended. In that case, if Government have the right to come forward with a legislation seeking to amend a little of an existing section, I presume that the Members have a right to ask for the deletion of the section, because that is also an amendment to the existing legislation. I do not want to enter into that controversy now because you will certainly consider it at the stage when you admit my amendment.

But the point is this. It is no purpose saying that we are bringing the Act up to date in order to eradicate corruption. If they have a will to eradicate corruption, it is well and good, but I do not think they have, for we find that even the number of cases detected by the Special Police Establishment, whose primary object is to detect corruption, has been on the decrease; that does not mean that corruption is on the decrease. For instance, when Sardar Vallabhbhai Patel introduced the original Bill, he said that the Special Police Establishment covered about 1100 cases, covering an aggregate of about Rs. 5½ crores which was the amount involved in those cases. For the sake of giving some more details to the House, I tried to ascertain what was the position of the Special Police Establishment and what was the number of cases which they had taken up in the current year.

Mr. Deputy-Speaker: Are we going now into the general history regarding the Act, the administration of the Act and so on?

Shri V. P. Nayar: No, I am not going into that, Sir.

Mr. Deputy-Speaker: The point at issue is simple. All that Government want to do now is to make some more offences cognizable. Under the original Act, only offences under sections 161 and 165 of the Indian Penal Code are cognizable offences. Now, they want to add offences under section 164 and some other sections also. In the case of the offences which were cognizable under the original Act, prosecutions could be launched only with the consent of a higher authority. Now, the offences under some other sections also have been added and brought on the same category as the others. Therefore, the sanction of the higher authority is sought to be included in the case of those offences also.

Therefore, the simple question is whether these offences ought to be cognizable or not. That is point No. 1. The second point is, if they are made cognizable, is it necessary that sanction should be obtained for prosecution in respect of those offences also. These are the simple issues before us.

Shri V. P. Nayar: The issue is quite simple. But my point is slightly different from yours. Merely by making one or two offences cognizable or merely by making one or two offences triable by a special court or merely by saying that this offence shall also be enquired into or investigated by a specially nominated police official, there will be no improvement in the situation in so far as corruption among the officials is concerned. I again say that I have no case that cent. per cent. of the officials are corrupt. We have got very good very honest officials. But we must reckon with this fact that among them there are very corrupt officials whom it is the purpose of this Bill to prevent from continuing their nefarious activities. That being the case, my case is that a mere declaration of certain offences as cognizable will not serve any purpose. If you go on

[Shri V. P. Nayar]

modifying or amending certain laws which we are having now....

Pandit G. B. Pant: Does the hon. Member oppose the amending Bill?

Shri V. P. Nayar: Does the hon. Mover expect me only to say whether I oppose or support the Bill?

Pandit G. B. Pant: I only wanted to know whether he was supporting or opposing the Bill.

Shri V. P. Nayar: If the hon. Mover listens to me, he will find out what I intend doing.

Pandit G. B. Pant: I am prepared to listen to the hon. Member. But I only wanted to know where he was leading us to.

Mr. Deputy-Speaker: The hon. Home Minister has put a question which in fact I ought to have put. I am only trying to find out what the hon. Member's intention is. Of course, I am trying to allow only relevant material to be placed before the House. If the hon. Member says, this piece-meal legislation is useless, I am going to oppose it, for all these reasons, these things must have been included, and so on, then he could refer only to a few of them and not to the entire thing. That is how the hon. Minister wanted to know whether he was supporting or opposing the Bill.

Shri V. P. Nayar: I am not proposing to do that either. As you know, the subject of corruption is so vast; and you yourself have told me several times that I was a little bit of a specialist in finding it out. But I am not going into those details at all.

I remember that Tacitus, the Roman historian once wrote that the more corrupt a State is, the more laws it will have. Unless this law is intended for preventing corruption, what is its purpose? And here it is that I want a particular reference to be made to the application of the provision in clause 5. The hon. Minister has said that he does not insist on clause 2 being there. But what is the original section which he seeks to amend? Under the Criminal Law Amendment Act, I admit that Government have a certain power to appoint a special judge or a special magistrate for the purpose of trying a case in which a Government servant is accused of an offence.

Now, the offences under sections 161 to 165 are all related—I concede that also. But what is the case before Government to exclude government servants from trial in the ordinary courts of our land?

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

When the original Bill was passed, the context was slightly different. The Criminal Procedure Code which was then in force was a code which, according to the predecessor of the Mover, did not enable the speedy disposal of cases. It did not ensure speedy justice, as Dr. Katju repeatedly told us. In 1947, when we had that code, we could understand it. It was the case of Government when they brought forward the amendment to the Criminal Procedure Code in so many sections that the code, as was sought to be amended, would serve the purpose very well and that hereafter there would be no delay in the trial of criminal cases and law would be administered in the quickest possible time. Now, when according to the Government, their case is that the Criminal Procedure Code has been made up to date in order to ensure speedy justice, what is the case of Government to come forward and ask us for permission to have special judges and special courts which are courts of acquittal—we have always found that when political cases are concerned, the special courts are courts of conviction, and when government servants are concerned, they are courts of acquittal. So what is the case before Government for bringing all these allied sections unless they want to exclude government servants from the scope of ordinary courts. Just let us consider certain other offences which are not included. By way of comparison, I would like you to consider this. When a government servant commits murder or is standing trial for a case of

rape, arson or any other grave offence, he does not get this protection. Then the Government do not want him to be tried by a special magistrate, but when it comes to a question of bribe-taking or abetting the taking of bribe or functioning as a go-between, between the bribe giver and an officer, they want that also to be included as a matter which will be decided upon by a special judge, for which Government will have the special power to appoint a judge. That is the point, which, I think, is not quite so simple as the hon. Minister tried to pose it to be.

Then there is another provision which seeks to amend section 6 of the principal Act. Clause 4 reads:

> "In section 6 of the principal Act, in sub-section(1), after the words and figures 'under section 161', the words and figures 'or section 164' shall be inserted".

At a time when we are amending this provision, is it not necessary that we should look back upon the purpose for which the original section was framed, if we are to make the law relating to this up to date to meet the requirements of our present circumstances? It is a very peculiar case. When we were discussing it, I remember how much you yourself were against giving government servants a special consideration in the matter of cases of defamation. This is a similar case. When government servants commit wrongs, when they are found to have committed certain offences, the sanction of Government is necessary. We know the *modus operandi of* issuing the sanctions. I would certainly agree if the hon. Minister himself were to go through every case and issue sanction. But that does not happen, nor does he have the time to do it, because hundreds of cases are coming up. This is again entrusted to a machinery of Government in which, as has been repeatedly said by spokesman of Government, including the late Sardar Vallabhbhai Patel, there are many corrupt elements. What is the necessity for a special sanction? If Government's purpose is to root out corruption, why not that case, if it is a cognisable offence, be considered as any other cognisable offence, especially when graver offences than these do not require the special sanction of Government, even when they are committed by government servants? I find no reason why section 6 of the original Act should not be deleted. I am saying this because the Mover said—and I think he repeated once or twice—that this is so simple a measure and it only wants to bring this within the scope of the special provision in the original Act, the Prevention of Corruption Act and also makes certain amendments in the Criminal Law Amendment Act. My case is slightly different. It is that there is no purpose now in retaining section 6. I would very much like to ask the hon. Minister—who asked me whether I was opposing the Bill or supporting it—whether in the context in which we are today, he is agreeable to have section 6, which lays down that every case described in sections 161 to 165 of the Indian Penal Code requires the special sanction of Government, deleted with a view to preserve the integrity of our administration and to eradicate corruption? It is possibly the only way in which the vipers of corruption whom we have in our midst can be crushed, and crushed to such a position that they will not be able to inject their poison again.

Now, we know of several cases—I must say here that I am not speaking in general terms, as the hon. Minister will certainly object if I do—and in this House it has come on several occasions—if you go through the evidence tendered before the Public Accounts Committee which I have before me, and which Committee I had the honour to serve for three years, you will find—that there are many cases of corruption in which the punishment has been meted out only on the law of inverse proportion. If you find that the lowest officer is proceeded against for a case, you also find that the punishment meted out to him is

[Shri V. P. Nayar]

the highest. If an intermediate officer was proceeded against, then the punishment is lighter.

Shri U. M. Trivedi (Chittor): Even for smoking, the lowest people are punished.

Shri V. P. Nayar: In the case of a class I officer, invariably there is no punishment meted out worth the name—in 99 per cent. of cases, they are allowed to go scot-free.

An Hon. Member: Given promotions.

Shri V. P. Nayar: This is a factor which we must take into consideration. With our Five Year Plans, with very ambitious plans in view, we are considering how best to eradicate corruption and such a simple Bill, as the hon. Minister said, will not meet the purpose. We know here—there have been instances; I am not going into the names or into elaborate detail—that accommodation has been made in favour of sons of Ministers, rules have been modified under the guise of breaking existing monopolies of foreign interests.....

Mr. Chairman: Order, order. I am afraid the hon. Member is transgressing the limits of legitimate criticism of this Bill. This Bill is an amending Bill, as he knows very well. He has been at pains to say that in spite of this being an amending Bill, he wants to voice this criticism, and I have allowed him. But I think he is transgressing the limits of legitimate criticism, in so far as he is now going into the details of certain questions. As has been pointed out by the Deputy-Speaker, so far as amendment No. 4 for deletion of section 6 is concerned, it is very debatable if it will be allowed. He had his say in respect of that matter. I would now request him not to go into details. He was dealing with general principles and he was allowed so far. I do not think there is any further scope for going into details.

Shri V. P. Nayar: With great respect to you, I do not propose to go into details at all. I was only trying to show how sanction would be affected, and I was asking why it was necessary that the provision regarding sanction should at all be continued in this case.

Mr. Chairman: The question of discrimination in punishment of officials does not arise here at all.

Shri V. P. Nayar: Then there is also this question, that the provision, as sought to be modified, does not conform to the constitutional equality which we are supposed to have in India today. I am not going to argue on that point.

Mr. Chairman: That means the hon. Member wants to raise objection to section 197 of the Criminal Procedure Code and so many other sections under which special sanction is required. I do not think it will be permissible; I think such criticism goes to the very root of the principles of the original Bill.

Shri V. P. Nayar: I won't go into detail. I was only pointing out, and making an attempt to show—when the hon. Minister said that this is a simple Bill designed primarily to make the law up to date in order to eradicate the evil of corruption—that by what is contained in this Bill, we are not going to achieve any substantial results.

Mr. Chairman: The hon. Member has been at pains to show....

Shri V. P. Nayar: I have never been at pains. I am only sorry that the hon. Minister who said he wanted to eradicate corruption—to root out corruption as he said—did not bring in adequate provisions in this amending Bill so that we could have believed that there was some meaning in what he said. As it stands, a provision here or a provision there is amended and the scope of a particular section is enlarged in order to take within its ambit certain more cases. I certainly say that that may be an advantage but whether it will be an advantage or not, we are unable to understand.

How can we judge that? I want to know first how many cases have been taken over by the Special Police Establishment and how many of these cases fell within the purview of sections 162, 163 and 164 which you include now. I want to know what is the total amount involved in all these cases which have been investigated by the Special Police Establishment. I made a reference to the Reference and Rsearch Branch of Parliament. They write to me just now that they contacted a particular wing of the Special Police Establishment but could not get the information as the information was not readily available. When sections 162, 163 and 164 are sought to be made subject-matter for special courts to go into or brought within the ambit of the Criminal Law Amendment Act, is not this House entitled to know how many cases have been registered against officials—cases, which naturally fall not under section 161, but under sections 162, 163 and 164? That is my point. When I speak about this, I must say, that when the original Bill was introduced, Sardar Patel was courteous enough to give the House an idea that he brought the Bill because there were 1,100 cases covering an aggregate of Rs. 5½ crores. At least this much of information the hon. Minister should have given us before he came and asked us to vote for this particular Bill. I do not say there are very many controls today but there are certain controls, especially in the matter of supplies of certain essential commodities like iron and steel. The area which determines or the facts which determine whether a particular offence will fall under section 161 or 162 or 163 are very difficult to find out. I tried my best to get the information. In fact, I went through the report of the Home Ministry last year and I found that only 330 cases or so have been taken up by the Special Police Establishment. When it has come down from 1100 in 1946 to 300 now, we are led to believe—naturally statistics tend to that—that corruption is going down. But, apart from the documentary evidence which you find in the Public Accounts Committee or this evidence or that evidence, what you find is that corruption is not going down. There are officers whose looks are being converted into currency and who sell their smiles for gold. How are we going to find out whether a particular officer really took the bribe or whether that particular officer was helped by another officer to take the bribe or whether somebody was in between the bribe giver and the bribe taker? These are very difficult questions. Unless we have definite information on these points and unless Government tells us that we have say 553 cases in which the bribe givers would fall only within the ambit of 162, we have 300 and odd cases which would fall under 163 and so on, if there were figures like that, we could have applied our minds.

Mr. Chairman: Then does it mean that the hon. Member is in favour of the present provision?

Shri V. P. Nayar: When there is nothing else before us, I would choose to accept a little reform like this. But, that does not serve the purpose. That meets the question of the hon. Home Minister who asked me whether I was supporting the Bill or opposing it. In so far as this Bill goes, it goes precious little, I should say. I want to support it because I am as keen as anybody else in this House including the hon. Home Minister to eradicate corruption and I am prepared to fight corruption of any sort anywhere. In this amending legislation, as in the original legislation, only one form of corruption, that is bribery, has been sought to be prevented. As a matter of fact, we know that bribery accounts only for a fraction of the corruption which we have. There is any amount of other forms of corruption; there is nepotism, there is favouritism, venality, graft, trafficking, and several other forms. No attempt has been made....

Shri U .M. Trivedi: That is included.

Shri V. P. Nayar: You cannot include nepotism within the scope of

bribery; you cannot include venality or graft in bribe-taking. If Government is honest and if the hon. Minister wants to put down corruption, then there is no purpose in bringing forward such a piece of legislation, innocuous as he himself says, such a simple Bill. He ought to have tried to tackle corruption in all its forms and at the very root. But, so far as this particular provision goes, I would request the hon. Minister to kindly furnish us with some figures so that we can apply our minds to them.

Shri Kamath (Hoshangabad): During the last Session of Parliament the Minister of Home Affairs laid a statement on the Table of the House wherein he rightly admitted that corruption was very wide-spread—I believe it was on the 18th August, if I remember aright—and the efforts of the Government to fight corruption had not been successful. (*Interruption*). It was a frank and a bold admission on the part of Government and since then I am glad to find that Government has woken up to the need to eradicate this corruption, this multiform corruption. Corruption, as my hon. friend said, assumes various forms, gross, subtle, fine and superfine. It is not only one form that has got to be fought. These varigated forms have got to be combated seriously and in a determined manner.

The Deputy Ministher for Home Affairs, in the last Session, referred to a new division that they have set up in the Home Ministry and also said that every Ministry had been called upon or had been asked to appoint a Vigilance Officer. At that time, three months ago, only 4 Ministries had appointed Vigilance Officers. I wonder whether all the Ministries have got....

The Deputy Minister of Home Affairs (Shri Datar): All have.

Shri Kamath: The Railway Minister stated a couple of days ago that there is a separate section for anti-corruption in the Railways. Whether it is plus or minus, I do not know. The Railway Ministry is having this perhaps because corruption is so rampant in the Railways. I do not want to go into that question because that is a matter which might require a whole day for treatment.

As regards this particular measure, it has been said by the Minister that it is a very simple measure, a non-controversial measure, an innocuous measure and what not. To a certain extent, I agree with him. But, I will not go the whole hog with him when he says that it is absolutely simple and non-controversial. On the face of it, it may be so but behind the lines or between the lines, if you examine it closely, I would venture to say that you would find that there are certain lacunae which have got to be filled in or certain matters which must be clarified by the Government before they proceed further not only with this measure but with the general fight against corruption, which, I am sure, they will have to put, in the near future, on a war footing. I readily agree that there are hundreds of honest officers, but, considering the vast increase in the number of officers, high and low, this evil has grown to protean proportions. That has been admitted not merely by the Public Accounts Committee but by several other committees. Hyderabad, I believe, had appointed a high level committee to deal with this question but no action was taken on the report of that committee in Hyderabad and the report had gone the way which many other reports have gone, perhaps to some obscure pigeon-hole in some shelf in the secretariat.

Coming to this particular measure, I would like to invite your attention and the attention of the hon. Minister and the House to section 163, which finds a place in the amending Bill, offences under which will become cognizable.

Shri Datar: May I point out that sections 162, 163 and 164 have already been made cognizable by the Criminal Procedure Code (Amendment) Act and therefore we are making some amendments here?

Shri Kamath: I heard what the Deputy Minister was saying, and now it only helps me to make my point clearer. In this section of the I.P.C., the first is the corruption of the public servant through the exercise of personal influence, that is to say, of touts or agents. I would not like to be particularly harsh in my observations, but there have been certain developments and incidents in certain States to which I should like to draw the attention of the Minister on this occasion. Who exactly could be considered to be a tout or an agent when exercise of personal influence is concerned? I am not referring to section 162 which deals with illegal and corrupt means. For the present I will confine myself to personal influence. I have already said that there are many forms of corruption and the exercise of personal influence has become today—perhaps also in the past but we have been noticing it much more during the last few years—so obvious and so rampant in certain fields that people take it for granted these days. It is a sad affair that it should be taken for granted, because I am referring to Ministers in certain States who interfere by exerting their personal influences in matters where they should not interfere. There are certain cases *sub judice* and so I would not like to go into details and I shall not refer to them. But in my own State of Madhya Pradesh charges have been made on the floor of the Assembly and, therefore, I can refer to that case....

Pandit G. B. Pant: But that does not prove anything.

Shri Kamath: So, I can refer to this particular matter. Charges have been made, not once, twice or thrice but many times, against the Chief Minister of my State.

Pandit G. B. Pant: I doubt if this is relevant to the Bill.

Shri Kamath: Who is a tout or an agent?

Mr. Chairman: The principal is punishable with three years while the tout or the agent is punishable with one year. So far as the law goes, it is quite clear. I do not know what the hon. Member is aiming at. Does he want to define the words "tout" and "agent"?

Shri Kamath: Section 163 refers to personal influence.

Mr. Chairman: And 164 deals with the person, the public servant himself. I want to know whether the hon. Member is relevant.

Shri Kamath: The original Act refers to prosecution in such cases.

Mr. Chairman: It does. Sections 163 and 164 deal with such cases, but I want to know what the hon. Member is driving at by citing certain cases.

Shri Kamath: If you do not like examples, then I will not trouble you with them, but....

Mr. Chairman: I only want to know whether the hon. Member is relevant so far as the discussion is concerned.

Shri Kamath: If I am not relevant to the discussion before the House, you can call me to order.

May I draw your attention to the Statement of Objects and Reasons of the Bill? It is stated there that at present there is no effective method of dealing with touts and agents through whom corrupt officials secure bribes and illegal gratificaton. I am saying why there is no effective method at present; it is because of the Government's inefficiency and inaction.

Mr. Chairman: The why of it does not arise. The hon. Member himself says that there is no effective method....

Shri Kamath: But I want to devise an effective method and put it to the Minister. I say, why should there not be an effective remedy?

Pandit G. B. Pant: He and I both agree that this clause is necessary.

Shri Kamath: I agree, but it does not go far enough.

Pandit G. B. Pant: But let us not disagree unnecessarily.

Shri Kamath: If I were in his position, I would have gone much farther.

Mr. Chairman: So far as the fundamentals of the question are concerned, there is no difference of opinion, and both the hon. Member and the hon. Home Minister say that it has not been effectively dealt with. Therefore, this is one remedy to deal with it effectively. The question whether it does not go far enough or otherwise is really not very relevant so far as this Bill is concerned; this is an amending Bill and so its scope is limited; you cannot go to the root principles of corruption itself and suggest certain remedies. They might be suggested outside the House. I would be very happy if the hon. Member led a deputation to the hon. Home Minister and gave him certain ways or methods.

Shri Kamath: That has been done, I think, but with little effect.

Mr. Chairman: He might bring forward some legislation before the House saying that that was the proper method. But here one of the methods by which it can be effectively dealt with is by means of this Bill. To suggest that there are other effective methods is outside the scope of this discussion.

Shri Kamath: You have been very helpful and I must thank you for that. May I invite your attention again to the fact that this amending Bill seeks to deal effectively with touts and agents and that is the main provision of the Bill—how to deal with touts and agents effectively through whom corrupt officials secure bribes.

Shri V. P. Nayar: Not through anybody else.

Mr. Chairman: I think the Bill goes even further. So far as the public servant is concerned, section 164 is also made cognizable.

Shri Kamath: One of the main provisions is to deal with touts and agents; it deals with public servants also. Let me put it as public servants plus touts and agents. The main object of the Bill is how to deal with corruption on this front.

Mr. Chairman: The scope of the Bill is limited. It suggests one remedy to make the thing effective, not all the remedies. The hon. Member may go further and say that big officials and Ministers should be dealt with in such and such manner, but that is outside the scope of this Bill. In an amending Bill, we can only say what is pertinent to the Bill and cannot go to the original Act and discuss the root principles on which the whole thing is founded.

Shri M. S. Gurupadaswamy (Mysore): Can we not suggest on this occasion that the Bill is not comprehensive and does not go far enough so as to include other cases of corruption so that this opportunity could be taken by the Minister to have more comprehensive measures?

Mr Chairman: I am careful not to rule out discussion on this Bill. I have allowed a fairly good latitude, but at the same time you cannot go to the root principles and discuss the entire matter from the original idea how corruption generally can be rooted out, etc., etc. The scope of an amending Bill is quite narrow as the hon. Member himself knows, but at the same time in general discussion even more latitude is allowed than when an amendment is discussed. Therefore I have allowed a certain latitude, but it does not mean that you can go into the root principles of this question because such an action would certainly not be relevant for the purposes of this Bill. So far as this amendment is concerned, it has got a certain limited scope.

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Shri Kamath: I am not at all dealing with remedies. If I go to the root principles, it will take a long time.

Mr. Chairman: I thought the hon. Member was referring to the remedies.

Shri Kamath: I am not referring to the remedies at all. I want to know from the hon. Minister categorically

and definitely as to what exactly is meant by touts and agents. Who are touts and agents—those who merely go and offer money, or....

Pandit G. B. Pant: We are concerned with clauses 162 and 163. Whoever comes within the purview of these clauses shall be governed by this Bill.

Shri Kamath: That is very fine. They will be dealt with accordingly. Therefore, I want to know from the hon. Minister whether individual Ministers of the Government exercising undue influence thereby making an officer do or not do something....

Shri V. P. Nayar: ....or functioning as tout.

Shri Kamath: I would not use that word. I want to know whether such individual Ministers will come within the purview and scope of this section and therefore of this Bill.

Pandit G. B. Pant: If the Minister does something which comes within the purview of these clauses and if he is not protected by any other law, then surely he will be governed by these clauses.

Shri Kamath: That is my difficulty. In that case I would like to know this. When there is an allegation against a Minister that he has exercised his personal influence or unduly influenced an official to do or not to do something, sanction of the Government will have to be obtained for prosecution under these sections. Sanction of which Government—his own Government, the State Government, the Minister's own Government. Can we imagine or is it possible to imagine or visualise a Minister sanctioning his own prosecution? Therefore, the necessity of amending this Bill further arises with regard to the sanction for such prosecution.

A case is now pending in the Supreme Court on this point; I do not want to refer to it. It relates to the allegations against the Chief Minister of Madhya Pradesh. I do not want to refer to the details of the case; the Chief Minister is one of the parties to that. It is coming up for hearing shortly and we will get a ruling on that point whether sanction of the Government is necessary or not for a prosecution against the Minister. In the olden days it referred only to public servants but they have now taken shelter under this section 197 of Criminal Procedure Code—the Ministers—and therefore, sanction of the Government would be necessary. Some Courts have held that way. But if this has got to be effective and anti-corruption has to be put on a war or an extra-ordinary footing, we have to deal with all sorts of corruption—not merely giving money or cash, but also the other fine and superfine forms of corruption.

We have in this very House had so many exposures of not one scandal but so many scandals; and in some of these it was openly charged in this House that not merely officials but agents and touts—who perhaps could not be called by that name, they might be intermediaries who function in that capacity—were involved. But nothing has been done in these matters. Why should not Government take notice of these scandals where charges have been openly made for years and years? Still, Government comes and makes a statement in this House that such and such matter should be treated as closed.

Mr. Chairman: Therefore, they are making it cognizable.

Shri V. P. Nayar: But there is the sanction.

Shri Kamath: That is the biggest hurdle.

Mr. Chairman: So far as touts and other agents are concerned no question of sanction arises; it arises only in respect of public servants.

Shri Kamath: That I know. You also know, Sir; you are lawyer; you know who a tout or an agent is. What will happen to them? It is rather awkward to say so much when two Ministers are sitting before me. But there has been a case in Mysore where a Minister had to resign because of such a charge. But in Madhya

[Shri Kamath]

Pradesh no enquiry has been made and we are therefore fighting the case in the Courts. I would, therefore, request the Minister to clarify the position of the Government on these two matters: firstly, when a Minister exercises his undue influence to make an official do or not do a particular thing, whether such a Minister will also come within the purview of this section—within the mischief of this particular provision about touts and agents; will he be regarded as a tout and an agent? Secondly, I ask, whether in that case sanction of the Government is necessary. One cannot say that he did these things in the course of his official functions. Section 163 refers to exercise of personal influence. He does it in the capacity of a Minister—he happens to be a Minister all right but simply because he happens to be a Minister he should not misuse his position.

Shri N. Rachiah (Mysore—Reserved—Sch. Castes): I rise on a point of order. The hon. Member referred to an allegation against a Minister in Mysore. I come from Mysore. The Minister did not resign in connection with corruption. As such I refute such allegation.

Mr. Chairman: We are not discussing the affairs of that Minister in Mysore State. He referred incidentally to that affair; he did not refer to the merits of the question.

Pandit G. B. Pant: Defamatory statements should not be made.

Shri Kamath: He resigned on the issue of a contract; I will make it a little more detailed.

Mr. Chairman: The Minister is not here. It is not usual to make any remark against persons who are not here. It is always the duty of the Chair to see that such remarks are not allowed to be made in respect of persons who are not here.

Shri Kamath: Then the whole functioning of Parliament is impossible. We make remarks against dignitaries of foreign countries too.

Mr. Chairman: Hon. Member has been too long in the House to require any sort of advice from me. He knows very well that whenever such questions arise we never allow such defamatory remarks to be made against a public official because he is not here and cannot defend himself. Hon. Member referred only to a Minister as such; I allowed him. If he wants to make any particular reference to any particular Minister, I am afraid I cannot allow that.

Shri Kamath: The reference to the matter has appeared in the papers.

Mr. Chairman: No remarks which insinuate that a certain Minister has been corrupt should be made here even if it has appeared in the papers.

Shri K. K. Basu (Diamond Harbour): Can we not read from the papers and say that such and such thing has appeared? It has appeared in the papers that such and such incident happened; we do not say whether it was right or wrong. We may say that.

Mr. Chairman: I am not here to answer such hypothetical questions. My point is clear. If an official is not here, it is not usual to make any remark against the official which is defamatory in nature.

Shri Kamath: There were allegations of curruption against a certain Minister and then the Minister resigned from his office, soon after.

Mr. Chairman: What is the insinuation; that he resigned in consequence?

Shri Kamath: That is the inference.

Mr. Chairman: Therefore, it is not right to make any insinuation of that nature in respect of an official who is not here. Supposing such a remark was made by any person in respect of me in a privileged placed and I am not there to defend myself, would that not be prejudicial and unfair? The Minister concerned is not here and he cannot say that whatever has been said against him is all wrong. Then again, you know, so far as this House is concerned any reference of that nature cannot be made a subject matter of a defamatory suit. Therefore such references are not allowable.

Shri Kamath: We have made in this House so many remarks about a former High Commissioner in London even though he was not present here to defend himself.

Mr. Chairman: I do not know what has been said before about the High Commissioner. If we have erred in the past that does not justify us to err again. Anyhow, the hon. Member can go on without insinuating against any specified official. After all, as I said, it is an amending Bill and the hon. Member has said enough in respect of the fact that this Bill should have gone further to see that other principles are accepted which would eradicate corruption.

Dr. Suresh Chandra (Aurangabad): What is the time limit for a Bill here?

Mr. Chairman: I am not able to understand why I am to answer this question to a Member like Dr. Suresh Chandra. He fully knows that so far as rules are concerned there is no time limit for Bills.

Shri V. P. Nayar: He pretends to be ignorant.

Mr. Chairman: The time limit is set by the Business Advisory Committee. I would request the hon. Member to conclude now. I have to give chance to other hon. Members and the hon. Member knows it that the time for this Bill has been limited by the Business Advisory Committee.

Shri Kamath: Though we are timeless, the time is limited.

Mr. Chairman: Both things are right.

Shri Kamath: The time is limited and in passing I may just refer to the case regarding my own State of Madhya Pradesh. I do not want to dilate upon it. Certain things have happened in the past and there have been allegations. Whatever that may be, this case, as I said, is pending before the Supreme Court now and the Chief Minister of Madhya Pradesh is a party to it. I do not want to say anything more about this matter.

Pandit G. B. Pant: The lower court has not accepted the charges.

Shri Kamath: Not charges, but the question of sanction is involved. Fortunately we have got the Supreme Court here.

Shri N. C. Chatterjee: Otherwise Shri Kamath would not have been here.

Shri Kamath: Otherwise I would not have been here, as Shri Chatterjee says. Anyway I would not have been here so soon.

Pandit G. B. Pant: It is not dignified for a Member like you to refer to the Chief Minister of your State.

Shri Kamath: I do not make any undignified allegation. As a matter of fact, the case is pending before the Supreme Court.

Shri V. P. Nayar: The facts are facts, however unpalatable they may be.

Pandit G. B. Pant: You are a distinguished Member of this House and.....

Shri Kamath: I thank you for your compliment.

Pandit G. B. Pant:....so you are expected to exercise even greater restraint than others.

Shri Kamath: I am putting a lot of restraint on myself; otherwise, if I wanted.....

An Hon. Member: You are amazed at your own restraint.

Shri Kamath: I have not said anything which can be deemed objectionable in any manner.

Mr. Chairman: Consciously you never say anything objectionable.

Shri Kamath: I only said that the case is pending before the Supreme Court and we are awaiting a decision on that. I do not think there is anything objectionable in that.

Then again, Sir, as regards touts and agents I would also like, as a matter

[Shri Kamath]

of clarification, to know as to what exactly will happen in some particular cases. For instance when tenders are invited by the Government and in certain other things some people are brought into the picture. In such cases who will be the touts or agents and what is their definition?

Lastly, I have myself heard from a reliable authority—I do not disclose the names here because just now it has been objected to and it is not proper also—I may say, from very high police officers in my own State and also officers of the Special Police Establishment here in Delhi—some of them themselves gave me the information—that some cases have been withdrawn and some are not being taken to court because the Minister was interested. The Ministers interfere at the highest level and say that so and so should not be prosecuted for blackmarketing, profiteering or some other charge of that kind. Because of a Minister's interest in a person concerned the case is not taken to court and investigation also is not taken in hand or concluded. What would happen then? Will that amount to a Minister's exercise of undue influence in the course of justice to prevent justice from taking its course? That would be an offence within the mischief of section 163 IPC. In that case also the Minister should be amenable to action under this section, and there should be obviation of necessity for sanction for prosecution.

These points are very important if we are serious about gearing up our entire machinery—right from the highest Ministers to the lowest official if we want to gear our machinery to fight corruption and end corruption we must take notice of these aspects of the matter and legislate accordingly. I, therefore, give only qualified support to this measure and not wholehearted support because it does not go far enough.

श्री सिंहासन सिंह (जिला गोरखपुर दक्षिण): यह जो विधेयक भवन के सामने है उस के सम्बन्ध में हमें इस बात पर विचार करना है कि इस विधेयक के पारित होने के बाद आया तो भ्रष्टाचार आज देश में प्रचलित है, जिसकी आम शोहरत है, जहां कहीं जायें इस बात की चर्चा है कि इस राज्य में भ्रष्टाचार बढ़ा हुआ है और यह राज्य इस बात में सफल नहीं हो पाया कि देश में चारों तरफ फैली हुई घूसखोरी और बेईमानी को रोक सके, वह क सकेगा या नहीं । हमें इस नजर से इस विधेयक को देखना है कि इसे पास कर देनेसे भ्रष्टाचार में कहां तक बढ़ोतरी हो सकती है या कहां तक हम इस पर काबू पा सकते हैं । हम न इस नजर से इस विधेयक को देखा और विचार किया तो मालूम हुआ कि इस के पास कर देने के बाद जो बुराई आज है वह और भी बढ़ जायेगी ।

अभी तक इंडियन पेनल कोड के चैप्टर ९ में जो १६१ से ले कर १६९ तक की दफायें हैं जो कि अफसरों में फली हुई खराबियों या घूसखोरी के सम्बन्ध में हैं वह काग्निजेबल नहीं थीं और समन्स केसेस की तरह से ट्राईड होती थीं । किसी भी आदमी को अधिकार था कि वह किसी भी अदालत में जा कर दावा कर सकता था कि अमुक अफसर घूस लेता है और उस का ट्रायल मैजिस्ट्रेट के सामने होता था या आगे बढ़ कर सेशन्स कोर्ट में । १६५ लगायत १६६ जो क्रिमिनल प्रोसीजर कोड की धारायें हैं, जिन के अन्दर अफसरों को कुछ सहूलियत मिल जाती है यानी उन के ऊपर, बगैर उन अफसरों की मंजूरी के, जिन्होंने उन को नियुक्त किया हो, मुकदमा नहीं चल सकता था, व धारायेंह १६१ से ले कर १६९ धारा तक पर लागू नहीं होती थीं । अर्थात् कोई भी आदमी स्वतंत्र था कि अगर कोई अफसर उस से घूस ले रहा हो या वह घूस लेने का आदी हो, तो वह अदालत की शरण ले कर उस पर दावा कर सके । वह क्रिमिनल प्रोसीजर कोड के मातहत दावा कर सकता था कि फलां आदमी घूस लेने का आदी है और फलां फलां से घूस ली है । वह उस के लिये शहादत भी पेश कर सकता था । लेकिन १९४७ का जो मूल

विधेयक पास हुआ उस के अन्दर यह कर दिया गया कि चूंकि सरकार भ्रष्टाचार को बन्द करना चाहती थी इस लिये समन्स केसेज को काग्निजेबल तो कर दिया गया लेकिन उस में एक दफा ६ रख दी गई जिस के अनुसार कोई अदालत उन मुकद्दमात को नहीं देख सकती जब तक कि उस की मंजूरी सरकार के उन अधिकारियों से न मिल जाय जिन्होंने भ्रष्टाचारी अफसर को नियुक्त किया हो। परिणाम यह हो गया कि कोई अधिकारी उस अफसर की जांच करने की हिम्मत नहीं करता। फिर जांच करने का अधिकार छोटे अफसरों से छीन लिया गया। दफा ५ के अनुसार वही अधिकारी जांच कर सकता है जो डी० एस० पी० या उस से बड़ा अधिकारी हो। उस के बाद मुकदमा तब तक अदालत में नहीं जा सकता जब तक सरकार से उस की मंजूरी न हो। आप समझ सकते हैं कि एक तरफ तो आप ने यह कर दिया कि यह सब अपराध काग्निजेबल कर दिये, उन को पुलिस देख सकती है किन्तु दूसरी तरफ मुकदमा नहीं चला सकती। अब तक भारत का एक स्वतंत्र नागरिक और पुलिस भी मुकदमा चला सकते थे लेकिन अब इस अधिकार को उनसे छीन लिया गया है। जो पुलिस को अधिकार दिया गया था कि वह पकड़ धकड़ कर सकती है उसका यह अधिकार भी दफा ६ के जरिये से छीन लिया गया है और वह भी ऐसा नहीं कर सकती है। अब तक १६१ और १६५ और १६५(ए) के अन्दर यह लागू था कि इनके अन्दर जो अपराध हों उनके ऊपर हम मुकदमा चला सकें सिर्फ उस सूरत में कि दफा ६ के अन्दर उसके ऊपर के अधिकारी से आज्ञा हासिल कर लें। अब यह जो संशोधन विधेयक है इसका एक खास मन्तव्य है यानी जो टाउट होते हैं या जो एजेंट्स (अभिकर्ता) होते हैं जो प्रेरित करते हैं कि घूस देवे और अनुचित काम करावे और जो अब तक पकड़े जा सकते थे वह भी अब बच जायेंगे जब यह कानून पास हो जाएगा। अगर किसी एजेंट ने किसी से ५०० या १००० रुपया किसी का काम करवाने के लिए ले लिया हो और वह काम करवाने में सफल न हो तो अब उसके खिलाफ भी मुकदमा नहीं चल सकेगा क्योंकि दफा ६ के अन्दर इसके लिए भी मंजूरी लेनी पड़ेगी। दफा ६ इस प्रकार है :

'*Clause* 6(1): No court shall take cognizance of an offence punishable under section 161 or section 165 of the I.P.C. or under sub-section (2) of section 5 of this Act, alleged to have been committed by a public servant except with the previous sanction."

इस में आप ऐड करना चाहते हैं, १६२, १६३ और १६४ :

"In section 6 of the Criminal Law Amendment Act, 1952, in clause (a) of sub-section (1), after the words and figures 'under section 161', the words and figures 'section 162, section 163, section 164' shall be inserted."

Mr. Chairman: The hon. Member will kindly look into clause 5 which relates to the amendment of section 6 of Act XLVI of 1952. This is not the meaning. No sanction is required in respect of prosecutions under sections 162 and 163 according to the present Act.

श्री सिंहासन सिंह : इनको यहां पर इनसर्ट (निविष्ट) किया जा रहा है। जहां आज तक एक आदमी पर एक टाउट पर मुकदमा चल सकता था किसी मजिस्ट्रेट के यहां यह भी अब नहीं होने दिया जा रहा है और अब मुकदमा नहीं चल सकता।

Mr. Chairman: The hon. Member will kindly see there are two clauses: number 4 and 5. Clause 4 refers to Act II of 1947. In regard to section 164, sanction is required, and sanction is not required in regard to sections 162 and 163.

श्री सिंहासन सिंह : मेरे खयाल में इसके हो जाने के बाद मुकदमा नहीं चल सकेगा। जो एनेक्सर दिया गया है उसमें सैकशन ६

[श्री सिंहासन सिंह]

मेनशन किया गया है और सैक्शन ६ के होने से वहां पर दिक्कत पड़ती है ।

Mr. Chairman: I was also under that impression, but after going through the Bill, I can tell you that as a matter of fact, no sanction is required for prosecutions under sections 162 and 163. The hon. Member will look into the sections again. Clause 4 refers to Act II of 1947 and clause 5 to Act XLVI of 1952, though both the amendments are in respect of section 6 only. The amendments relate to two different Acts. One relates to prosecution and the other relates to sanctions.

श्री सिंहासन सिंह : इस में एवेटमेंट (अवसान) भी आ गया है ।

आपके इस सुझाव के लिये मैं मशकूर हूं । मेरे पास क्रिमिनल ला एमेन्डमेन्ट ऐक्ट (दंड विधि संशोधन विधेयक) नहीं था । लेकिन मेरा खयाल है कि दिक्कत जो है वह ज्यों की त्यों बनी रहेगी । जब हमारे देश में कांग्रेस गवर्नमेंट का प्रादुर्भाव हुआ तो एक तरह से चारों ओर भय की लहर दौड़ गई कि अब क्या सूरत होगी, घूस बन्द होगी, क्या इसके बारे में खास सख्ती की जाएगी या क्या होगा । लेकिन मेरा कहना है कि इससे उल्टा ही असर देखने में आया है । हम जहां कहीं भी जाते हैं यही शिकायत सुनते हैं कि घूसखोरी बढ़ रही है । यही हाल रेलों का है । इस चीज को देखकर और ऐसी बातें सुनकर हमारा सिर शर्म से झुक जाता है । हम इसको अभी तक रोक नहीं पाये हैं और इस विधेयक के पास हो जाने के बाद क्या हम इस लानत से छुटकारा पा सकेंगे, इस में मुझे सन्देह ही है । इसका कारण यह है कि जब तक सैक्शन ६ रहेगा आप कोई कार्रवाई नहीं कर सकेंगे । इसके जरिये से आपकी मंजूरी लेनी आवश्यक होगी । मैं आपको एक बात बतलाता हूं । यू० पी० में एक आदमी ने एक अफसर के खिलाफ मंजूरी के लिए एक अर्जी दी । उसको कहा गया कि तुम सबूत लाओ । एक सबूत तो अदालत में, दूसरा सबूत वहां और वह भी सबूत लखनऊ में । अब आप बताइये कि एक आदमी जिसने किसी पेटी अफसर के खिलाफ अर्जी दी हो वह किस तरह से लखनऊ जाए और शहादत दे । वह गरीब आदमी कहां से पैसा लाये । तो जब यह हालत है तो मेरा खयाल है कि यह ऐक्ट बजाय करप्शन (भ्रष्टाचार) को दूर करने के करप्शन (भ्रष्टाचार) को और बढ़ाने में मदद देगा । आज कानून इतना पेचीदा है कि हर कोई इसके दायरे से बच निकलता है और हर आदमी निर्भय होता चला जा रहा है क्योंकि हर आदमी जानता है कि इससे कुछ होने वाला नहीं है और वह इस कानून की दफों से बच कर निकल सकता है । हम लोगों को कोई सीधा सादा कानन बनाना चाहिये था कि जिस के अन्दर अगर कोई अफसर हो जिस पर शुबह हो, उसको किसी तरह से निकाला जा सके, उसको ठीक रास्ते पर लाया जा सके ।

आज हमारे देश में ऊपरी आमदनी को बहुत अच्छा समझा जाता है और यही खयाल किया जाता है कि किसी तरह से पैसा पैदा किया जाए । जिस आदमी के पास पैसा होता है, चाहे वह उसने किसी भी तरह से हासिल किया हो, उसकी पूजा की जाती है, उसकी इज्जत की जाती है । हम कोई ऐसा कानून बनाना चाहिये कि जिस से इस को समाज बुरा समझे । ऊपरी आमदनी पाने वाला आज एक अच्छा नागरिक समझा जाता है, और समाज में उसको ऊंचा रुतबा भी दिया जाता है । हम कई बार सुनते हैं कि किसी आदमी की तनख्वाह तो होती है ५० रुपये और जब ऊपरी आमदनी की बात होती है तो बताया जाता है कि वह है ५०० रुपये । इस चोरी और घूसखोरी पर हमें रोक लगानी चाहिये । पिछले अधिवेशन में हमने १६५ के दायरे को दफा १६५अ करके बढ़ा दिया कि जो घूस देगा वह भी उतना ही अपराधी होगा लेकिन उसका नतीजा उल्टा ही हुआ ।

इस्तेगासा करने वाला डर के कारण नहीं करेगा और जो काम करवाने वाला है उसका विरोध भी नहीं करेगा । हम ने कानून की परिधि तो बढ़ाई घूसखोरी को रोकने के लिए लेकिन परिणाम उसका बिल्कुल उलटा हुआ है । यह तो यही बात हुई कि दवा की रोग को दूर करने के लिए लेकिन रोग बढ़ता ही गया । जिस सवाल पर हमें विचार करना है वह यह है कि अगर रोग महान है और संक्रामक रोग फैल रहा है तो उसके लिए क्या किया जाए । इसके बारे में जब इस भवन में प्राइवेट मेम्बर का विधेयक आया था और वह पास नहीं हुआ, उस समय कहा गया था कि एक अच्छा विधेयक गवर्नमेंट लाएगी लेकिन वह न आ कर के यह बिल है जो कि हमारे सामने आया है । इस रोग से छुटकारा पाने के लिए हमें इसके रूट काज (मूल कारण) में जाना होगा । मेरे खयाल में यह गलत रहन सहन के कारण पैदा हुआ है । मैं आपको एक उदाहरण देना चाहता हूं । १९४४ में जब मैं जेल से आया तो मेरे नाम से एक सप्लाई अफसर के खिलाफ किसी ने शिकायत लिख कर एक दरख्वास्त भेज दी कि वह आदमी घूस लेता है । तुरन्त कार्रवाई शुरू हुई और उस अफसर को सस्पैंड कर दिया गया । मैं एक पब्लिक मीटिंग में बोल रहा था, एक सी० आई० डी० का इन्स्पेक्टर मुझ से मिला । मैं ने समझा कि शायद दोबारा पकड़ने के लिए वारन्ट होगा लेकिन उन्होंने मुझ से पूछा कि क्या यह अर्जी आपने दी है । मैंने कहा कि यह मैंने नहीं दी । बाद को कांग्रेस गवर्नमेंट बनी और जब इन्क्वायरी हुई तो वह अफसर छूट गए । एक दिन वह मुझे मिले और कहने लगे कि मैं आपका बड़ा मशकूर हूं कि आपकी वजह से मैं छूट गया हूं । मैं न कहा कि यह चिट्ठी मैंने नहीं लिखी थी और आप छूट गए । लेकिन क्या मैं आप से पूछ सकता हूं कि आप इस ठाट बाठ से कैसे रहते हैं ? मैं ने उन से पूछा कि आपकी तनख्वाह तो तीन या चार सौ है पर आप रहते दस हजार के ठाट से हैं, तो उन्होंने कहा कि यह तो

रहने का ढंग है । मैं ने उन से कहा कि हमें भी वह रहने का ढंग बता दीजिये । तो इस के अन्दर भी एक दफा है कि रहन सहन से भी एक प्रिजम्पशन (धारणा) होगी । अभी गवर्नमेंट ने एक सरकूलर (परिपत्र) भी निकाला था कि हर एक सरकारी अधिकारी को अपनी चल और अचल सम्पत्ति की सूचना सरकार को देनी चाहिए । मैं ने इस के बारे में सवाल भी भेजा है । पता नहीं उसका जवाब कब तक मिलेगा कि वह सरकुलर जारी होने के बाद अब तक कितने गवर्नमेंट के कर्मचारियों ने अपनी चल और अचल सम्पत्ति का विवरण सरकार को बताया है । हमारे पास इसकी एन्क्वायरी करने की कोई मैशिनरी नहीं है ।

मुझे यहां पर पता चला है कि जितने बड़े बड़े मिल मालिक हैं उन के एजेंट यहां पर रहते हैं । वे सरकारी अफसरों को मोटरों में घुमाते हैं और दावतें देते हैं । जाहिर है कि वे फायदा उठाने के लिए ऐसा करते हैं । अगर इन धनी मानी लोगों में से कुछ पकड़े जाते तो जरूर इससे कुछ देश का कल्याण होता । लेकिन यह जुर्म कागनिजेबिल होते हुए भी वे नहीं पकड़े जाते हैं । तो मेरा अनुरोध है कि इस दिशा में कड़ा कदम उठाया जाना चाहिये । हमारे पूज्य पंत जी के आते ही हमने सुना कि करप्शन को रोकने के लिए हर एक मिनिस्ट्री में विजिलेंस अफसर नियुक्त होंगे और यह सुन कर हमें बहुत प्रसन्नता हुई कि अब ठीक से काम चलेगा और जो देश में चारों तरफ़ हमको करप्शन की शिकायत सुन कर अपना सिर नीचा करना पडता है वह नहीं करना पड़ेगा । लेकिन अभी तक उसका कोई खास परिणाम नहीं निकला है । हां भाखड़ा नांगल योजना के ८ इंजीनियर पकड़े जरूर गये । उनमें एक को धर्म चक्र या वीर चक्र मिलने वाला था ।

एक माननीय सदस्य : मिल चुका था ।

श्री सिंहासन सिंह : यह कितने बड़े दुःख की बात है कि देश के चीफ इंजीनियर घूसखोरी के लिए पकड़े जायें । यह कोई गौरव की बात नहीं है । मुझे यह पढ़कर बहुत तकलीफ हुई । यह कितने कलंक की बात है कि देश के निर्माता घूसखोरी के लिए और देश को बरबाद करने के लिये पकड़े जायें । तो हमें ऐसा करना चाहिए कि जिससे इस की रोक जल्द से जल्द हो । यह तो शायद तभी रुक सकता है जब कि ऐसे आदमियों की सारी सम्पत्ति ले ली जाया करे या उनको सरेआम गोली से मार दिया जाय । लेकिन इस बिल में तो एक या दो साल की सजा के लिए ही प्रावीजन (उपबंध) किया गया है । और फिर अगर चटर्जी साहब जैसे योग्य वकील को मुलजिम कर लेगा तो वे उसको वह सजा भी नहीं होने देंगे । इनकी सहायता से वह मलजिम बरी हो जायगा, अपनी जगह पर रीन्स्टेट (पुनर्नियुक्त) हो जायगा और उसको सरकार से अपना खर्चा भी मिल जायगा । इस तरह का हमारा यह कानून है ।

हमने ब्रिटिश प्रिवेंशन आफ करप्शन बिल भी देखा है । वह बहुत अच्छा ऐक्ट है । ब्रिटिश सरविसेज की ईमानदारी का चारों ओर बहुत शोर है । उनके लिए कहा जाता कि वे बहुत शुद्ध हैं । उनके कानून में यह प्रावीजन है कि उन पर मुकदमा चलाने के लिए सालिसिटर जनरल या एटार्नी जनरल की मंजूरी लेनी पड़ती है । लेकिन यहां तो दफा ६ के अनुसार सरकार से मंजूरी लेने की आवश्कता होगी जो कि बहुत मुश्किल है । जब तक यह दफा ६ बनी रहेगी तब तक इसका कुछ ज्यादा असर नहीं होगा । मैं निवेदन करूंगा कि आपके इस विधेयक से कुछ ज्यादा लाभ नहीं हो सकता । यह केवल कोरा कागज बना रहेगा और करप्शन जारी रहेगा । अगर हम करप्शन को दूर करने के लिए तैयार हैं, और हमको इसके लिए तैयार होना चाहिए, तो हमको ऐसा विधेयक बनाना चाहिए कि जिसको पढ़कर या सुन कर ही लोगों में भय छा जाय । आज मझे यह बड़े दुःख के साथ कहना पड़ता है कि लोगों के दिल में कानून के प्रति भय नहीं रह गया है । ऐसा मालूम होता है कि हमारा दंड कमजोर हो गया है । इसी कारण यह सब करप्शन चल रहा है ।

जब से हम लोग यहां पार्लियामेंट में आये हैं तब से करप्शन के बारे में तीन विधेयक आ चुके हैं मगर करप्शन की रफ्तार बढ़ती ही जा रही है । यह बिधयक तो पास हो ही जायगा लेकिन इससे रोग की दवा नहीं होगी । उसके लिए मैं बहुत नम्र शब्दों में निवदन करूंगा कि कोई ऐसा विधेयक लाया जाय जिसको सुनकर ही घूसखोर लोगों में भय पैदा हो जाय । इसी प्रकार के विधेयक से यह बुराई दूर हो सकेगी । याद रखिये कि जब तक देश से करप्शन दूर नहीं होगा लोगों को यह इत्मीनान नहीं होगा कि हमारा देश प्रगति कर रहा है । आज हालत यह है कि हमारे मंत्रियों तक के विरुद्ध भ्रष्टाचार के आरोप लगाये जाते हैं । अभी मेरे पूर्व वक्ता ने मंत्रियों पर कीचड़ उछाला था । यह कितने दुःख की बात है कि मंत्रियों तक के विरुद्ध आज लोगों की अंगुलियां उठती हैं । यह कोई शुभ लक्षण नहीं है । इस स्थिति को हमें दूर करना चाहिए । कहीं ऐसा न हो कि हमारी चीन जैसी हालत हो जाय जहां कि करप्शन बहुत बढ़ गया था । आज हम भी उसी तरफ लुढ़कते चले जा रहे हैं । इसलिए यह जरूरी है कि हम इस ीमारी ो रोकें । तभी हमारा कल्याण ो सकता है । नहीं ो हम कितना भी कहें कि हम आगे बढ़ रहे हैं, पर वास्तव मे हम पीछे ही जायेंगे । आज हाल यह है कि अगर हमारी किसी योजना के लिए एस्टीमेट बनता है ७० करोड़ का, तो कुछ समय बाद वह एक अरब ७ करोड़ का हो जाता है । जब हम इसके बारे में शिकायत करते हैं तो कहा जाता है कि हमारे ुल्क में तो दूना ही होता है, दूसरे मुल्कों में तो तीन गुना तक हो जाता है । वे दूसरे देश धनी हैं, पर हम

तो गरीब हैं । हमारे यहां तो जो एस्टीमेट बने वह खूब देख समझ कर बनाना चाहिए । लेकिन हम देखते हैं कि हमेशा उसमें बढ़ोतरी हो जाती है । वह बढ़ोतरी होने के बाद जाती कहां है इस पर गौर से ध्यान दिया जाना चाहिए ।

अभी जब हम भाखड़ा नांगल योजना देखने गये तो वहा पर यह लिख आये कि यहां पर एक नये राष्ट्रीय भाव का उदय हो रहा है । पर वहां से आने पर हमने पढ़ा कि वहां के सुपरिंटेंडिंग इंजिनियर और आठ और इंजिनियर पकड़ लिये गये तो बड़ा अफसोस हुआ। वहां पर करोड़ों का गबन हुआ बतलाया जाता है । आज हम इन योजनाओं पर देश का करोड़ों और अरबों रुपया खर्च कर रहे हैं और वहां इस तरह करप्शन हो रहा है, यह जान कर बड़ा दुःख होता है ।

यह विधेयक आया यह बहुत खुशी की बात है । लेकिन जब तक सख्त कानून नहीं बनेगा यह बीमारी दूर नहीं हो सकती । कानून ऐसा बनना चाहिए कि आपके कर्मचारी उससे डरें और यह समझें कि यह राष्ट्र हमारा है और इसकी तरक्की में हम सब को भाग लेना चाहिए ।

Shri Tek Chand (Ambala-Simla): The amending Bill to the extent to which it proceeds is laudable; but the only question is whether it is going to be substantially helpful, if not in eradicating, at least in reducing, corruption. It is laudable, but it surprises us that these gaps in the chain of causation for so long a time should have been permitted to remain. Under section 161 of the Indian Penal Code, the bribe-taker is punished. Under section 162 of the same Act, penalty is provided for the man who, for his own personal advantage or for the advantage of another, undertakes the procurement of a bribe. Under the next provision, penalty is provided for the man who does not take money, but who brings to bear his personal influence in order to achieve a corrupt object. Therefore, it is but logical that the seducer, the agent and similar person should be roped in and so the amendment so far as it goes is good. But one is assailed with doubts as to whether the measure which is on the anvil of the legislature is a milk and water measure, is a measure which is illusory and which is an eye-wash, or is it a measure which is really going to be helpful. I have had in a different capacity something to do with cases arising under this Act. At one stage, I was surprised as to whether the Prevention of Corruption Act really hinders corruption or helps corruption. Sometimes, one almost thinks that the provisions of this measure are such that under certain stated circumstances, they are apt to be an impediment in the way of the prosecution in laying its hands on the corrupt officer.

Section 6 is one of these provisions. In order that a person may be prosecuted, there should be a sanction. I am aware of three types of defences that are raised on behalf of an accused person in a large majority of cases and they are usually fatal to the prosecution case. One of these defences is, at what stage was the sanction obtained. If the sanction was not obtained at the earlist stage, at the very inception, and it is obtained a little later, that sanction is vitiated. The second defence that is usually raised is, who is the sanctioning authority; has the sanctioning authority the powers as contemplated under the various provisions of the section. In other words, if that authority is equipped with the power of dismissal under the third clause, then, of course, the sanction may be good. The third defence is that the language of the sanction is not clear enough. The Privy Council has thrown a flood of light in that notorious case Gokuldas Dwarkadas Morarka versus King, decided in 1948 and has drawn the attention of the Government as to what should be the nature of the sanction, as to what should be the facts in the forefront of the sanctioning authority and what are the powers that he has to look to.

[Shri Tek Chand]

Very often, sanctions given with the best of motives are given in a slip-shod manner, and not in precise language. The result is that section 66 of this Act virtually permits the accused to say; "yes, I am guilty, yes I have taken bribe; but I cannot be convicted because the sanctioning authority did not have the power or because the language of the sanction admits of certain ambiguity". It is distressing in the extreme that a man admittedly corrupt may be able to escape by saying, "yes, I am corrupt, but you cannot hurt me because the language of your sanction is not precise or the power of the officer granting sanction is not clear or is shrouded in certain doubts". I have no doubt that if the hon. Home Minister takes the trouble of obtaining records—I dare-say he must have records—he will find that a very large number of corrupt government servants have escaped conviction and the Government has failed because of the obstacles created by section 6 of this Act. Therefore, I wish to take this opportunity of counselling the Government that section 6 is not a provision which really helps in retarding or abating, much less eradicating, corruption. Section 6 is to be examined from that aspect.

Hon. friends have stated sometimes by resort to innuendoes and sometimes by resort to indirect hints that corruption is rampant. It is not an inaccurate statement if I were to say that corruption is a hydraheaded monster, its heads are numerous and its ramifications and manifestations are simply legion. It is colossal problem before the Government. These augean stables of corruption have to be cleaned. Therefore, some really serious and stern steps have to be taken. Therefore, my feeling in the matter is that these milk and watery measures that we are resorting to may be, certainly, in consonance with logic. In the procedural sense, they seem to be in accord with what the law ought to be. But, so far as effective steps are concerned, our law seems to be rather impotent, rather helpless in bringing to book people who are fouling public life, people who are besmirching the name of good and clean administration. Particularly now when Government is launching on large and ambitions schemes whereby millions are to be helped and crores of rupees have to be spent, it is necessary that the Government should take pains and make special efforts to see that the large number of wholes through which public money is being drained, so much of leakage, so much of sweepage going on day in and day out, should be effectively plugged and hermitically sealed. Therefore, while lending my fullest support to the measure, I take this opportunity of counselling the Government that corruption is a disease which does not admit of palliatives, and that some sort of incision is necessary and mere probes would not do.

Shri N. C. Chatterjee (Hooghly): There is no question of opposing this Bill. It is, as my hon. friend has pointed out, a logical corollary of what we have already enacted. But, I think it is our duty to point out to the hon. Home Minister that this kind of tinkering Bill will not do. The time has come when some real, serious, colossal effort should be made to tackle this problem. I think the Deputy Home Minister himself admitted on the floor of the House that the evil of corruption is widespread, and their efforts to fight it and eradicate it have not been successful. Therefore, it requires a really concerted effort to save our administration from disrepute and from corruption which takes so many insidious forms. I do not know how they have done it in China. But, they have done it. You know the Kuomintang regime went down because of corruption. Chiang-Kai-shek was a great man. Still, his regime was completely disrupted because of mounting of corruption in the administration. That is a great pointer. We have got Marshal Bulganin in this country. We all know that the Russian bureaucracy was very corrupt. I wish my hon. friend the Home Minister had some discussion with Marshal Bulganin

to find out how to eradicate it. You know it is a very serious problem. They say that the Russian administration is fairly uncorrupt now. It may be that totalitarian methods are very successful in doing this. They make short shrift of dishonest officials. Although we are a democratic country, it is high time that we should wake up to our responsibility and take lessons from other countries which have been able to purify the administration from the corrupt elements. As a matter of fact, we should remember that when the British administration enacted section 197 of the Criminal Procedure Code, as Sir John Woodroffe has observed in his famous book on the Criminal Procedure Code, the object of this section was to provide safeguard against vexatious proceedings against judges, magistrates and public servants and to secure the opinion of a superior authority whether it was desirable that there should be a prosecution, but it was not part of the British policy to set an official above the law of the country, or above the common law. I am quite sure that it is not the object of Pandit Pant, the Home Minister, to set the official above the common law or above the law of the land. It is not the object and that is why he has brought forward this measure. At the same time, we find in actual experience that this sanctioning procedure to a large extent nullifies the salutary object of getting conviction of corrupt officials. As a matter of fact, our friend Shri Sinhasan Singh has given you some facts, I take it speaking from conviction and experience and on actual data which he can establish. This "sanction" business has been a great impediment and something should be done to simplify it. My hon. friend Shri Tek Chand cited Morarka's case. Morarka's case shows that sanction is a will-o'-the-wisp and that sanction is a handy tool for dishonest officials. The Privy Council said that complete data or evidence should be analysed and practically the sum total of that should be placed before the sanctioning authority, and unless and until the sanctioning authority has that amount of evidence or material before him, he cannot really do justice to it and he cannot make up his mind. Therefore, in the absence of these essential data, although there is sanction by the Governor or the higher authorities, that sanction is futile, and that being a condition precedent, you know the conviction was set aside. I am pointing out that section 6 cannot be completely eliminated and we have got to remember the public servants' point of view also. In our anxiety to weed out corruption, we should not be unfair to our public servants as a class. As a matter of fact, public servants have got to deal with citizens, and unless the citizens are corrupt, they cannot be corrupt either. Therefore, corruption works at both ends. Now, what happens is that as the State is becoming a socialist State and as we are giving more and more power to the executive to mould to a large extent the industrial life of the country and the commercial life of the nation, we have got to trust them with extended authority, and therefore they have got to give a licence or refuse a licence; they have got to give permits or refuse permits, they have got every day to pass discretionary orders, and thereby they are likely to reject many applications and to disappoint many. Therefore, some safeguards are necessary. But at the same time, I think—I say this for the consideration of the hon. Home Minister—the time has come for simplifying the sanction procedure. Do not make it rigid, do not make it inelastic, do not allow that to be utilised from the bureaucratic point of view for the purpose of making it difficult for the citizen to get at a corrupt official. Here is the experience of Shri Sinhasan Singh and other friends who have complained that this sanction business has a deleterious effect on getting justice against corrupt officials.

The whole problem is psychological, if I may say so with great respect. How can we expect our people to honestly believe that our Govern-

[Shri N. C. Chatterjee]

ment and our Parliament are serious when you find that on the "jeep scandal" the Public Accounts Committee has repeatedly been saying that there should be an enquiry, and our Ministers are doing their best to nullify the enquiry. Minister after Minister is coming here and saying there is no *prima facie* case. They are stifling, they are putting their foot down, and the gentleman responsible is being assigned important allocations. That is not rair. If you take up that attitude, you demoralise the nation, you demoralise the people. You simply encourage officials or corrupt elements in this country, and they will think if the big men can escape, they too can escape.

I am happy that in certain cases recently there have been convictions of important officials, and something has been done, but I would still appeal in all earnestness and seriousness to the hon. Home Minister that now is the time for him to bring forward a comprehensive measure and to take into account the difficulties that the citizens feel in really getting at corrupt men in the service, and a concerted effort should be made to tackle it, to quote the language of my friend Shri Kamath, on a war footing or on a footing of emergency. And unless that is done, the Government will go down. We do not mind the Government going down. We hope and wish and pray they will go down, but we do want to point out that in the process of their going down, my country will go down, the Parliament will go down, the entire morale of my nation will go down. That is why I am appealing to him to take a serious view of the situation and not to be satisfied with a tinkering or tampering Bill of this kind. The States Reorganisation Commission Report has used an expression repeatedly—"tenuous". On every thing they say it is tenuous. This is a "tenuous" Bill which does not satisfy anybody. I hope a more comprehensive, determined and serious effort will be made to tackle this problem.

Shri Raghubir Sahai (Etah Distt.—North-East *cum* Budaun Distt.—East): I entirely agree with the hon. Home Minister that the Bill is a very simple one, and I have no hesitation in giving my unqualified support to the provisions of this Bill. But you will excuse me if I say that I have my own doubts as to whether the laudable object of the Government would be achieved by bringing forward this Bill.

In the Statement of Objects and Reasons, it is stated:

> "Offences under sections 161, 165 and 165A I.P.C. are made cognizable under section 3 of the Prevention of Corruption Act, 1947, but offences under sections 162, 163 and 164 I.P.C. continue to be non-cognizable with the result that there is at present no effective method of dealing with touts and agents through whom corrupt officials secure bribes and illegal gratification."

By passing and by adopting this measure, do the Government feel that an effective method will have been found to put down corruption through touts and agents? I have no shadow of doubt in my mind that the Government here as well as the Government in our States are very honest. They are honestly actuated in putting down corruption, and from time to time they have been taking steps, radical steps, definite steps, so that corruption may be put down and may be eradicated. For instance, this Act II of 1947 is one proof thereof, of the *bona fides* of the Government, that it is really anzious that corruption should be put down. This Act was amended in the year 1952. That was again another proof of the *bona fides* of the Government. And this third measure is a further proof in that direction. But we should ask whether with all these steps having been taken, they have been able to implement the intentions of the Government, and whether the objective which they have had in mind has been partially achieved. Everybody

says, as has been evident from the debate in this House at this particular moment, that corruption is rife in the country and the measures that we have already taken have not eradicated this evil in a substantial measure. This is not our view alone. This is not the view of stray Members of this House. With your permission, I will quote the considered opinion of the Bar Association of Avadh. Mention was made that Shri Patnaik's Bill was circulated for eliciting public opinion, and in connection with that Bill, the Avadh Bar Association has been pleased to record this view on the state of corruption in the country. That Association says:

> "Experience gained from the trial of cases of corruption after the war shows that notwithstanding the provisions in Act II of 1947, corruption among the public servants has not to any considerable extent been checked."

3 P.M.

Shri V. P. Nayar: It has increased.

Shri Raghubir Sahai: These are significant remarks which should be borne in mind. We do not doubt the *bona fides* of Government. (*Shri V. P. Nayar*: Question.) We know that our capable Home Minister is capable of doing wonders. But he should know where we stand. Corruption has not been put down as yet, nor is it going to be put down by such measures as this. I quite agree with all those friends of mine who have said that some more effective steps should be taken.

Now, in support of what I say, I shall quote some facts and figures. With regard to this Act of 1947, I had put certain questions to Government, and I wanted to know how many prosecutions were launched since the promulgation of the Act, which was amended in the year 1952. My question has been broken into two parts. The first related to the period from 1947 to 1952, and the second related to the period from 1952 to 1954. I would not take the precious time of this House by quoting seriatim all the items from the statement that has been given in reply to my question. But a few facts are worthy of being quoted. That statement gives the number of prosecutions which have resulted in convictions as well as the number that have resulted in acquittals. I am specially taking the cases of Bihar, Madras and West Bengal, the three major States of our country. The total number of prosecutions from 1947 to 1952 in Bihar was 27. The number of cases that resulted in conviction was 3, and the number of cases that resulted in acquittal was 14; the rest appeared to be pending. In the case of Madras, the total number of prosecutions for this period was 47; the number of cases that resulted in conviction was only 7, while those that resulted in acquittal numbered 28, and the rest were pending. With regard to West Bengal, the total number of prosecutions started during this period was 67; the number of cases that resulted in conviction was only 13, whereas the number of cases that resulted in acquittal was 39.

From these facts and figures, one can come to the conclusion that in all in 141 cases, prosecutions were launched; out of these only in 23 cases there was conviction, while there was acquittal in 81 cases. You will also find from this statement that not a single prosecution was launched in the Part B States, i.e. Hyderabad, Madhya Pradesh, Mysore, Saurashtra, Travancore-Cochin, and Rajasthan.

Shri Sinhasan Singh: All honest.

Shri Raghubir Sahai: Now, inferences can be drawn. My hon. friend Shri Sinhasan Singh says, all honest. It may be so, but the facts and figures speak for themselves. These are the facts that have been admitted, and these are the figures that have been supplied by Government for the period 1947-52.

[Shri Raghubir Sahai]

Government were pleased to give us certain figures for the period 1952-54 also. With regard to that period, I shall take up the cases of only Uttar Pradesh, Delhi and Madhya Pradesh. In 1952, in Uttar Pradesh, only three prosecutions were lanuched under this Act, but all the three resulted in acquittal, and there was conviction in none. In Delhi which is supposed to be the seat of the Central Government, in 1953, 22 prosecutions were launched, out of which 19 resulted in acquittal, and only 2 in conviction.

Shri V. P. Nayar: Were they not in special courts?

Shri Raghubir Sahai: In Madhya Pradesh, in 1954, 3 prosecutions were launched, and all the three resulted in acquittal. These are the facts which have been placed before us by Government themselves.

We do not doubt the *bona fides* of Government. We feel that everyone of our Ministers both in the Central Government as well as in the State Governments is honestly actuated to see that corruption is put down, but their Acts have not taken us very far.

Mr. Chairman: If the courts acquit so many persons, what can Government do?

Pandit K. C. Sharma (Meerut Distt.—South): Change the judges.

Shri U. M. Trivedi: There will be more prosecutions if there were no sanctions.

Shri Raghubir Sahai: I am very grateful to you for this remark of yours. I was just coming to the point. You may pass any legislation providing punishment for the corrupt people, but the law as it stands today helps them too much. And every corrupt official will take every possible assistance from the lowest court up to the Supreme Court. I need not expatiate on criminal law, because you, Mr. Chairman, are one of the masters of criminal law, and you know how acquittal can be secured by the skilful advocacy of a lawyer.

Shri K. K. Basu: Is it an insinuation?

Shri Raghubir Sahai: The lawyer finds out some lacuna in the prosecution or creates some doubts, and the benefit of doubt goes to the accused.

Mr. Chairman: Is it your suggestion that lawyers should not be allowed to defend such cases?

Shri U. M. Trivedi: That will hit him also equally.

Shri Raghubir Sahai: That is not my suggestion. What I wish to emphasise is that it is not enough if we merely pass legislation of this kind and think that the problem is solved. We shall have to look elsewhere also.

If you would allow me to have my say for a few minutes more, I would say that while Government are most honest, the same thing cannot be said about the departmental heads, or the government servants who are placed in charge of District Administration having a lot of officials to work under them. If they were equally vigilant and they wanted to translate into action the most honest intentions of Government, things would have succeeded. But the fact remains that the present legislations have not taken us very far.

Mr. Chairman: What about the Constitution, which the hon. Member himself has helped in passing? What about the constitutional safeguards to public servants?

Shri Raghubir Sahai: I am not attacking the Constitution. I want that all the privileges and rights that have been conferred by the Constitution should be enjoyed by everybody, but they they should not be misused and abused. That is my contention.

I would quote to you one specific instance in order to show how these big officers are not fully implementing the provisions of these laws. There was a judicial officer in my own district. The hon. Home Minister was then the Chief Minister of Uttar Pradesh. That judicial officer had a very

shaky reputation. Lawyers, litigants, ministerial staff, public men and in fact everybody knew that he was a man who was given to taking bribes.

Shri V. P. Nayar: Did he not get double promotion?

Shri Raghubir Sahai: Let me proceed. Then, some lawyers approached me and said, 'Please help us in putting down this evil'. I volunteered my services, and I said, 'I have also heard about this judicial officer, let us go to the District Magistrate, and represent our case'. All the lawyers along with me went to the District Magistrate. We put our viewpoint in a very constitional manner. The District Magistrate appeared to be satisfied. The matter was also brought to the notice of the Chief Minister. Now, the Chief Minister asked for the opinion of the District Magistrate saying, 'what do you say about this man?' You will be surprised to know that that District Magistrate wrote back saying, 'I have heard nothing against the judicial officer, although I have heard something against his *ahalmad* and I have shifted him from that place'. When we came to know about this remark of the District Magistrate, we again approached the Chief Minister and the Chief Minister was good enough to transfer that man to another place.

Shri V. P. Nayar: On promotion?

Mr. Chairman: So that he may be active in some other place?

Shri Raghubir Sahai: He did this with the intention that at that place he would behave properly. But at that place also, he misbehaved and then again complaints reached the Chief Minister, and he dismissed him outright. I ask in all humility, why should that District Magistrate, who gave him an integrity certificate, not have been punished. When the Chief Minister asked him to express his honest opinion about that officer, he should have said, 'I also have heard that he has got a shaky reputation; please deal with him accordingly'. But instead of that, he gave him an integrity certificate saying, 'I have heard nothing against him'. My grouse is that though the judicial officer was rightly punished, the protecting District Magistrate was not punished; why should he not have been punished? There are so many District Magistrate, there are so many superior officers under whom so many minor government servants work, who deal in corruption but who are being protected by these high officers. Until and unless you take some effective steps against these high officers, this evil of corruption cannot be put down.

As I said in the beginning, I am wholeheartedly for this Bill, but I do wish that the hon. Home Minister will find out some other methods also whereby the honest intentions of the Government are carried out in full.

Shri N. Rachiah: This is a very simple Bill and I wholeheartedly support it because it contemplates to put down corruption in the best interests of the administration which is the live-wire of the country. A democracy has three organs: the legislature, executive and judiciary. In our country, I am sure that both the legislature and the judiciary have not so much charge against them as the executive which has been there functioning from the time of irresponsible governments with certain officers drawn from the British services. Corrupt practices have been a chronic disease in the administration of the country and unless these corrupt practices are put down, as many hon. Members have pointed out frankly, we cannot be successful in our attempts or efforts to bring in a socialistic pattern of society in this great democracy.

Corrupt practices have not only spoiled or destroyed the morale of the administration, but also have eaten into the vitals of our administration. This is responsible for the backwardness of our country. After the advent of freedom, I am sure our Government have been making their best efforts to improve the adminis-

[Shri N. Rachiah]

tration and remove corruption. They have not made an attempt to reduce the salaries of the big officers even so as to see that disparity between the services is removed. Still, we find there is a lot of corruption practised because of the inequalities between the lower services and the higher services. Apart from that, even if an officer takes bribe, it won't end in taking a bribe and his making it his personal property; it actually encourages the officer to exploit or encourage the exploitation of the poor or common man in India. Suppose a police officer takes a certain bribe and does not register a case. Then the poor man, the common man, who has been subjected to all sorts of treachery, assault and injury not only gets what is called injustice, but he will be having an apprehension in his mind that there is no law or protection for safeguarding his personal right and getting justice. As such, these corrupt practices, particularly the receiving of bribes and other things, should be put an end to in the best interests of the country.

In the Statement of Objects and Reasons, it is mentioned that offences under sections 161, 165 and 165A I.P.C. are made cognisable under sections 3 of the Prevention of Corruption Act, 1947, but offences under sections 162, 163 and 164 I.P.C. continue to be non-cognisable with the result that there is at present no effective method of dealing with touts and agents through whom corrupt officials secure bribes and illegal gratification. It is not merely a question of dealing with touts and agents. What about the officers themselves? If these officers are kept under apprehension of prosecution and punishment, I am sure this evil would be eliminated. Even to get a transfer, there is what is called corruption or bribe-giving among the officials themselves. From the bottom to the top, there is corruption—full of corruption—in our country, and unless this is rooted out, the efforts of our Home Ministry which has been effectively dealing with the administration will be infructuous.

When my hon. friend, Shri Kamath was speaking, he referred to a Minister who resigned in Mysore and said he resigned on account of some corruption. But he was not directly responsible, as stated in the papers. He was a man with reputation; he resigned on account of moral principle. But the version given by the hon. Member was not correct, that was why I defended the Minister in such a way. But how many Ministers are there who are corrupt? We, who are the true representatives of the people, cannot make a passing remark, a general remark, against all the Ministers. There may be one or two exceptions, but unless such cases are brought before the public or Government, we cannot charge any Minister, simply because those in the Opposition or some do not personally like a Minister. If there were such a case of a Minister receiving bribe, it would be something like the fence swallowing the crop in the field. There must be some confidence in our Ministers, and unless we have that confidence, we cannot have any honest government. All corrupt practices must be put an end to even by taking serious action, by taking into account or assessing the property of the officials. I think there are certain rules in that respect but they are not being implemented properly. In every branch of our administration, particularly in the executive—I do not charge the judiciary or the legislature—in the executive wing of the adminitration, in all branches, I am sure, there is corruption from top to bottom. I hope that our Home Ministry which has been resposible for the maintenance of honest and impartial administration in the country would take proper and immediate steps to see that such things are put an end to immediately. I wholeheartedly support this simple Bill which has been sponsored by our Government and I hope it will be properly implemented by Government.

Several Hon. Members rose—

Mr. Chairman: The matter has been sufficiently discussed. It is already 3·20. The discussion started at about 1·30 or even prior to that. We have taken so far two hours of the time allotted by the Business Advisory Committee. On a previous occasion, the Business Advisory Committee thought that this would take 3 hours. I do not think a Bill of this nature ought to take more than that time. In view of the fact that many persons have felt so much about corruption I have allowed more latitude than I ought to have. I now call upon the hon. Minister.

Shri U. M. Trivedi: I do not know whether the hon. Minister has moved a closure.

Mr. Chairman: It is not necessary for closure to be moved. We know that three hours were allotted by the Business Advisory Committee. Taking the Bill as it is, I never thought that it would have taken more one hour. After all, it is an amending Bill and I have allowed more latitude than I ought to have; on a general discussion, such a latitude is allowed. I think everything has been said which could possibly have been said on this Bill, not only on this Bill but also on corruption. I think we have taken more time than is necessary.

Shri V. P. Nayar: And corruption may go on like this!

Shri U. M. Trivedi: A very important principle was enunciated by Mr. Nayar about the amendment of section 6. If that can fall within the purview of this present amending Bill—because we are amending this section 6—we are entitled to speak on the question. Under these circumstances, when a broad principle of law is involved, I thought we would be allowed to discuss this. Since you are asking the hon. Minister to speak I do not challenge that because I do not generally challenge the rulings of the Chair.

Mr. Chairman: The hon. Member is all right. If I thought that I would be able to allow that amendment I would have given more latitude. But, as already indicated by the Deputy Speaker—and my views are also the same—an amendment of this kind cannot be moved in this amending Bill, and I think I have allowed more time than I should have. I do not want to give a ruling at this stage because the amendment is not before the House.

Shri V. P. Nayar: I think the Chair and I agreed that the question can be considered later at the time when the clause by clause discussion is taken up. Then we can consider whether the amendment is admissible or not.

Mr. Chairman: I am still open. When the amendment comes, if the hon. Member convinces me that it is admissible, I shall consider that then. Since the hon. Member said that it can be discussed, I said *prima facie* it appears to me that the amendment is not in order.

Pandit G. B. Pant: Sir, a number of speeches have been made on the motion which I had the privilege of placing before the House some time ago. I think the debate has gone beyond the natural orbit of this Bill. The Bill, as it is, is only a corollary to the existing Prevention of Corruption Act. Nobody claimed that this Bill by itself can put an end to corruption. Mr. Nayar admitted that all government servants are not corrupt. I am, on the other hand, prepared to admit that every government servant is not necessarily honest so that the difference that there may be between us, in case there is any, may be related to the magnitude of the problem. But, so far as its existence is concerned, it is not disputed. I personally think that there is a certain amount of missapprehension on this subject. Corruption does exist. We have to eradicate it. All effective steps that can be taken for the purpose should also be adopted. So far as the general question goes, I do not see there is any ground for any misgivings or any controversy. I do

[Pandit G. B. Pant]

think that the existence of corruption, to whatever extent and in whatever measure it may be, is a blot on our society. It is a blot on our administration and it is the duty of all of us to do whatever we reasonably can to purge our society of this evil.

I believe that generally our responsible officers are honest and impartial. In fact, our administration today is being conducted by them. We have been, after all managing the affairs of 350 millions of people through this agency. Mr. Kamath has personal experience of the responsibilities which an executive officer, especially one in charge of a district or a sub-division, has to bear. These matters and this aspect should not be ignored by us. It has also to be remembered that in the discharge of public duties one has often to take action or to pronounce decisions which may not often be to the liking of some people with whom he has to join or whose affairs he has to administer, whether as a judge, as an officer or otherwise. He has, as an officer, either to accept or reject a request. No man whose case is decided against him feels very happy over it. So, there are difficulties too. I have already admitted that corruption does exist and perhaps more so in the very low stages of our administrative hierarchy. So, while admitting the existence of the evil, I should like it to be appraised at its true worth. We should look at everything in a balanced way and our approach should be, as far as possible, consistent with the size of the problem, its truth and reality. But that does not absolve us of our duty to put an end to corruption. All of us have to join hands—whether members of Government, whether Members of Praliament, whether members of Bar Associations or others who can be helpful in removing this evil to make it their solemn duty to do all they can to put an end to this blot on our good name. Our country has made remarkable progress in recent years not only internally but also in the international field. Still this canker has to be removed, and we should not feel satisfied till we have completely eradicated it. So far as the objective is concerned, there is no difference here. So far as the scope of the Bill is concerned, there is not much difference either, for it is a Bill of a minor character, it does not go to the root of the problem. As I said it is only a logical corollary to the Prevention of Corruption Act. Sections 161 and 165 were covered by that Act. Sections 162, 163 and 164, which are more or less of a like character, were left out. So it is but proper that these sections also should be brought within the scope of that Act. It is not a panacea for the evil and we do not expect any miraculous results by the passing of this Bill, but it will help us to some extent. We must assess its efficacy at its correct and proper worth. So far as it goes, I think there is not much difference of opinion. Hon. Members would agree, and I think agreed, that these offences are cognizable. They have already become cognizable by virtue of the Criminal Procedure Code (Amendment) Act. I have left out another clause, rather I am prepared to agree to the deletion of the other clause which requires certain investigations to be carried out only by officers above a certain standing so that it would be open to all suitable officers to hold such investigations.

There were some enquiries as to how many cases under sections 162, 163 and 164 had been disposed of by the Special Police Establishment. These cases did not come within their purview directly and they could not enquire into them. That is the reason why these sections are now being brought within the scope of the Prevention of Corruption Act. In the circumstances there can be no figures on the subject which could be of any help to anyone, but it is obvious that when we have sections 161 and 165 in the Bill, we should have also sections 162, 163 and 164 in the same Bill. Nobody has said that the exclusion of these sections from that Bill will

be of any help to anyone. The argument so far as I have followed is only about the inadequacy of the measure. As I said, I do not claim that this is a comprehensive measure or that it will put an end to all ills. So far as the larger question is concerned, I also agree that mere law howsoever stringent cannot be effective by itself. There are many other factors, but I would not like to refer to them and it is not necessary here.

The whole question of the revision of our laws is before the Law Commission now, and so far as the basic fundamentals are concerned, if any difference has to be made in the matter of the Law of evidence, in the law of Procedure or if any amendment has to be made in the Penal Code with regard to offences which come within the scope of corruption, it will be the function of the Law Commission to look into this larger question. I would be grateful to the Commission if it could send us any proposals in this regard. I will draw the attention of the Commission to this subject and request the Commission to favour us with its views and suggestions so that we may have the benefit of its ripe experience and mature wisdom. So far as that goes, I think that is all that we can do in the circumstances. So far as the agency goes, as is known to the Members, we have now started a vigilance section with a view to look after this matter in a systematic, methodical and vigilant way. In every Ministry we have got a special officer to deal with corruption and the Director of Vigilance will be in touch with all these officers in the various Ministries and will himself see that due care is taken constantly and continously to root out corruption. So, that is the administrative agency which we have set up. It is possible that the Special Police Establishment may have to be further expanded and we may have a network of suitable persons to look after cases of corruption, to examine the complaints and to see that the wrong-doers cannot manage to escape. Mere sending of cases to court does not seem to be enough or even very fruitful. You have been given figures of cases which had been sent to court and cases in which the orders of acquittal were passed. I do not know whether you can blame us. The police holds investigations, sends up a case to the court and the court finds that the man cannot be convicted. At least the police is not to blame in the matter so far as the desire to get the man convicted is concerned. It sends the man to the court. Sanction is given by the authority concerned, but still the court does not consider, on the basis of the material that it has before it, proper or just to convict the man. So we have to appreciate the difficulties which have to be confronted.

Shri Raghbir Sahai: In many cases investigations can be defective.

Pandit G. B. Pant: I do think that investigations should be careful and effective, but still I think that even the best of police officers cannot always prove astute and subtle enough for the defence that is set up in courts which often proves more effective than their ingenuity and skill allow them to be.

Shri V. P. Nayar: Very often the prosecution is also deliberately inefficient in such cases.

Pandit G. B. Pant: In so far as it is so, it is regrettable; it ought not to be so. We are trying to appoint special officers to prosecute cases of this nature. If the police is inefficient, if the best of men whom we employ are not willing to do their duty, if the prosecuting officers do not prosecute, if the Judges do not convict, if the lawyers do not help, then we have to look for some millenium in this country in order to get rid of this evil but I have greater faith and greater hope. I think that most of the people have been trying to do their duty. The question of corruption is a subtle one as I have been told, I am often told that there is considerable room for improvement in the precincts of Courts. We have got the cream of our society, the best of lawyers there

and they know all perhaps with their intelligence as to what is happening. Still the evil goes on and while we see all round and say that there is a negligent man and there is that negligent fellow, still the best of our educated men are not able to tackle the problem under their very nose. This indicates the difficulty of the problem. I have often seen even persons who are as agile as my hon. friend, Shri Sinhasan Singh, eager to put an end to corruption complaining that those persons who had been punished for corruption were innocent.

Shri Sinhasan Singh: I have never complained like that.

Pandit G. B. Pant: I did not say you do but I did not say: you have not. It is a difficult problem and we have to apply our minds to it so that some solution may be found.

I am sorry that a reference was made to the jeep affair. It has been looked into, examined and thoroughly considered by a Committee of the Cabinet—a High-powered Committee. It can be a ground, I say, for moving a motion of no-confidence against the Government but so long as the Government is in charge of the administration, it has to discharge its duty and see that innocent men are not harrassed. It is one of the sacred functions that a Government has to discharge. Simply because some people held a certain view, it cannot act in a certain way. If the Government reaches the conclusion that a man is innocent, it has to be guided by its own light.

Shri Kamath: It is not 'some people'. It is the Public Accounts Committee of Parliament.

Pandit G. B. Pant. I agree. Parliament itself bears with the Government and accepts its judgements. Otherwise it is open to the Parliament to adopt that course. Where matters of decision which have been reached by Government after due consideration are questioned by Parliament, the remedy lies in removing that Government and moving a vote of no-confidence.

Shri Kamath: It is easier said than done.

Pandit G. B. Pant: What should the Government do? If the Government is satisfied that a man is honest according to its lights, then it has to be guided by its intelligence and by the collective wisdom of those who are in charge of the Government. Government has seen the question through according to the light that it can bring to bear upon that question and if after thorough scrutiny and examination Government reaches a conclusion, it has to act under the limitations which nature has imposed on it. You cannot expect it to be wider than it is.

Shri V. P. Nayar: It has been made narrow.

Pandit G. B. Pant: You cannot expect it to have more wisdom than it has. Having gone into this it reaches a certain decision. So, you cannot expect the Government to act against its own good judgement; it necessarily is epxected to act according to its wisdom and experience. When it has done that it can do no more. It is either to be there or it is not to be there but so long as it is there we have to bear with it with all its faults, with all its deficiencies and with all its shortcomings.

Shri Kamath: That is what we are doing.

Pandit G. B. Pant: I am glad that you are doing that with pleasure, voluntarily.

Shri K. K. Basu: Under the pressure of circumstances.

Pandit G. B. Pant: That pressure will continue indefinitely—I tell you.

An Hon. Member: That is your pious hope.

Pandit G. B. Pant: It may be a pious hope; it is a reality today and it will continue to be so for as long as I can look at it.

Shri V. P. Nayar: You are looking at it in a very litle way.

Pandit G. B. Pant: You are looking for ahead. I hope you will be able to understand that there is hardly much room for improvement in the system of Government that we have today. But you would like the whole thing to be turned upside down. Chaos and confusion will not help anybody.

So, I do not think it is necessary for me to deal with other matters in detail. In fact so far as this particular problem is concerned, the difference between us is not as sharp or acute as one would like to make it out. So, I would beg of the Members to accept the Bill as it is and if any amendment is considered necessary I do not know whether it would be in order. I may agree with them to a certain extent.

Shri Kamath: Not the fullest extent?

Pandit G. B. Pant: I hope that you will come nearer.

Shri K. K. Basu: By undue influences, you are trying to bring him nearer.

Pandit G. B. Pant: I did not catch your words; otherwise I would be prepared to tell you what I feel.

I, therefore, request that this motion may be adopted.

Mr. Chairman: The question is:

"That the Bill further to amend the Prevention of Corruption Act, 1947 and to make a consequential amendment in the Criminal Law Amendment Act, 1952, be taken into consideration."

The motion was adopted.

Clause 2.—(*Amendment of section* 3 *etc.*)

Shri Datar: I beg to move:

Page 1—

(i) line 3, *after* '1' *insert* '1'; and

(ii) *after* line 4, *add:*

"(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint."

Mr. Chairman: The question is:

Page 1—

(i) line 3, *after* '1' *insert* '(1)"; and

(ii) *after* line 4, *add:*

"(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint."

The motion was adopted.

Mr. Chairman: I am sorry, the amendment which we have passed just now relates to clause 1. The amendment to clause No. 2 is amendment No. 3. Does the hon. Minister want to move it?

Shri Datar: Yes, Sir. I beg to move:

Page 1—

for clause 2, *substitute:*

'2. *Amendment of section* 3, *Act II of* 1947.—In section 3 of the Prevention of Corruption Act, 1947 (hereinafter referred to as the principal Act) the words and figures "section 161 or section 165 or" shall be omitted.'

There were a number of sections to be added and one to be taken away. So far as sections 162, 163 and 164 are concerned they are already made cognizable by the Criminal Procedure Code Amendment Bill and therefore they are not necessary here. Therefore, in place of the words "section 162, section 163, section 164, section 165" I am substituting a new clause by this amendment saying that the words and figures "section 161 or section 165 or" shall be omitted from the original section.

Mr. Chairman: The question is:

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for clause 2, *substitute:*

(2) *Amendment of section* 3, *Act II of* 1947.—

In section 3 of the Prevention of Corruption Act, 1947 (hereinafter referred to as the principal Act) the words and figures "section 161 or section 165 or" shall be omitted.'

The motion was adopted.

Mr. Chairman: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3.— (*Amendment of section 5A etc.*)

Shri Datar: Sir, so far as clause 3 is concerned the Government are not in favour of retaining it. Therefore, they would vote against it.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was negatived.

Clause 4.— (*Amendment of section 6 etc.*)

Shri V. P. Nayar: I have tabled an amendment to this clause.

Mr. Chairman: I would like to hear how it is relevant.

Shri V. P. Nayar: Sir, I submit that it is beyond the competence of the Chair to rule this amendments out or order.

Shri U. M. Trivedi: Has the Chair ruled it out or order?

Mr. Chairman: He says the Chair cannot express itself on this matter.

Shri V. P. Nayar: I am submitting that an amendment can be ruled out of order only under the stipulations given in rule 118. I would like to know on what point am I to address my arguments because I find the rule thus:

"The following conditions shall govern....."

So, a mandatory provision is there. Rule 118 deals with the conditions of admissibility of amendments. You will agree, Sir, that in this particular rule sub-rules (ii), (iii), (iv), (v), (vi) and (vii) will not obviously apply to my amendment. If at all there is any possibility of the rule being invoked to disallow this amendment is can only be under sub-rule (i) which reads:

"An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates."

I underline the word "land". Here I would only say that in the matter of interpretation of this particular connjunction which connects two separate parts it should necessarily be constructed as "or" also. The language is very clear and time and again the courts have put this interpretation. I need not go into the details but you will find that the word "and" or "or" when appearing in a context connecting two different clauses has to be construed in such a way that if the word "and" is used then it has also the meaning of "or" or if the word used is "or" it also necessarily means "and". Here is a very illuminating passage with regard to this interpretation in *Maxwell's Interpretation of Statutes*. Which I would commend for your kind perusal.

My argument is not merely confined to the interpretation of the conjunction. I also go further and say that my amendment is perfectly within the scope of the Bill. The hon. Minister was pleased to say that the scope of the Bill is to have certain provisions in regard to offences relating to public servants. A whole chapter in the Penal Code is known as 'offences relating to public servants'. I am putting this question to you in all my humility as to whether the scope would only include positive acts. If you say: "this is within the scope" is it necessary that it should include certain positive provisions? Can it not include deletion of certain provisions. If the scope is limited to this very narrow sense as to include only positive conditions, then the case is different.

I consider that in view of these two points it cannot be held that my amendments are inadmissible.

Shri U. M. Trivedi: Sir, the amendment which is being proposed by

Shri V. P. Nayar is not only within the scope but looking at what has been done just a few minutes back it is also quite in order. Just now clause 2 which sought to amend the particular Act has been entirely changed by the Government and clause 3 completely deleted.

The amendments which sought to make these changes were within the scope of this Bill. Although there are changes of some words here or some words there the sentences may still remain the same and they may be of such a nature as to affect materially the whole provision under the law. If they do affect the provision under the law it will be well within the scope of this Bill that an amendment of the nature moved by Shri V. P. Nayar be accepted. He is merely suggesting that section 6 must be put out of the statute. If anything can be added I think anything can be modified. It will not be sufficient for him to say "All right. Omit the words 'under section 161'" and therefore he says "omit all the words". That cannot, I think, be dealt with as outside the scope of the Bill.

Rule 118 says:

> "An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates."

4 P.M.

We can add anything, alter anything or modify anything. These are all the things which come within the purview of the word "amendment". I think the amendment suggested by Mr. Nayar is within the scope of the Bill and you will allow me to say a few words on the merits of that amendment.

Mr. Chairman: What does the hon. Minister say?

Pandit G. B. Pant: You know more about procedure than I do.

Mr. Chairman: Certainly not.

Pandit G. B. Pant: The Deputy-Speaker, while he was in the Chair, indicated that this amendment would not be in order.

Shri K. K. Basu: He had doubts about it; the benefit of the doubt must be given.

Pandit G. B. Pant: Who is the criminal here? The point is this. Suppose you have a clause in a Bill which seeks to amend one of the many sub-clauses of a particular section of the existing Act. Suppose there are 10 or 12 sub-clauses, and it applies to one of the many sub-clauses. Would it be open to any person to move that the whole of the section be omitted? If that is permissible, than there is no limit to the scope of the amendments that may be moved. If you accept that principle, it will have a far-reaching effect not only on this particular Bill—I am not so serious about this amendment; it is a different thing—but it will have far-reaching effects on the whole process of legislation in this House. I personally feel that perhaps it would not be in order, but I leave it to the Chair to decide.

Shri V. P. Nayar: Under what rule or sub-rule of the Rules of Procedure....

Mr. Chairman: The hon. Minister has said what he feels about it.

Shri V. P. Nayar: But very conveniently he is avoiding an answer to my question.

Mr. Chairman: Even if he avoids, it is not for the hon. Member now to point out that he is avoiding.

Shri V. P. Nayar: He may enlighten us on this point.

Mr. Chairman: So far as the merits of the case are concerned, the hon. Member has spoken about them and hon. Minister also has given his reply. I am very sorry to say that I do not agree with the mover of the amendment. As a matter of fact, there are two sentences in rule 118 (i) says:

> "An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates."

[Mr. Chairman]

So, the amendment must be within the scope of the Bill. That is the most important point. Not that the other part is not important at all, but this is the most important part. The hon. Member fully knows that so far as the scope of this Bill is concerned, it is an amending Bill and its scope is limited. What is the nature of this Bill? What is the real proposal of the hon. mover of this Bill? He wants that sections 162, 163 and 164 should become cognizable. He further wants that so far as section 164 is concerned, it may also come within the category of offences under which sanction is necessary. The hon. Member's amendment seeks to implement that the existing provision relating to sections 161 and 165 be deleted, i.e., they may also not require any sanction. That is certainly going beyond the scope of the Bill and I cannot possibly allow it. This is not without precedent.

Shri V. P. Nayar: I am only requesting you to read, instead of "and", "or".

Mr. Chairman: The hon. Member has already asked me this and I have given my reaction. This is not without precedent. The hon. Speaker gave his ruling No. 8, A.B. No. 121. It reads as follows:

> "But even then the amendment sought to be moved has to be within the scope of the particular amending Bill. It cannot be beyond the scope of the amending Bill. Therefore, merely because a particular section is touched for amendment, it does not permit hon. Members to table amendments which are outside the scope of the particular Bill, though inside the section. That distinction, I believe has to be borne in mind—because the amendment has to be to a clause of the Bill as placed before the House."

Shri V. P. Nayar: May I know whether that ruling was before the Rules of Procedure were issued and made up to date?

Mr. Chairman: I have given the reference. It is No. 8, A.B. 121 dated October, 1952. Even apart from that, I have quoted the precedent only in order to reinforce my ruling. As far as this amendment is concerned, I am quite clear that it is not in order and so I rule it out. There is no other amendment to Clause 4.

Shri Datar: There is the Government amendment No. 5.

Mr. Chairman: That is for the new clause 4A. I will now put clause 4 to the House.

The question is:

> "That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

New Clause 4A

Shri Datar: I will move amendment No 5 to the new Clause 4A.

Shri V. P. Nayar: On a point of order, Sir, You have been pleased to observe that unless an amendment is directly within the scope of the Bill as it has now come before us, it is out of order. I want a ruling from you now whether at this stage a new clause can be introduced which is not within the scope of any of the clauses now before the House. If you hold that I cannot move an amendment touching an original clause, you must also hold that no new clause can be introduced at this stage however much relevant it may be, because it becomes outside the scope of this particular enactment. It is a technical matter and I would seek your guidance.

Shri Datar: The objection that has been taken is that it is entirely beyond the scope of this Act. I submit that it is within the scope of this Bill because, as it has been pointed out, this Bill purports to deal with amendments to two Acts and the third Act, the Criminal Procedure (Amendment) Act so far as it deals with the

question of pardon has also great relevancy. The object of the Prevention of Corruption Act is naturally prevention of corruption. In such cases, if it is made possible for an accused to accept a tender of pardon, it is likely that he would give out a full and true version. Therefore, it will be found that corruption would be eradicated. This would be one of the most affective means of getting at the truth and having a full investigation also.

Mr. Chairman: The objection is that it is not within the scope of this Bill. The objection is not that it is not relevant. The hon. Minister has replied to the point that it is relevant. It is perfectly relevant. But, the objection is that it is not within the scope of the Bill. I would like to hear the hon. Minister on that point.

Shri Datar: So far as the scope of this Bill is concerned, it has been made clear in the Statement of Objects and Reasons. It has been pointed out that certain further effective steps are necessary. A few effective steps have already been prescribed in the Bill and one more effective step would be useful if the purpose of the Act is to be made absolutely fruitful.

Shri V. P. Nayar: The difficulty is, you cannot amend the Statement of Objects and Reasons. You can only amend the clauses as they have come before us. As rightly pointed out by the Chair, my objection is not based on "relevancy". Maybe, it is very relevant. But, how is it within the scope of the Bill, within the scope of any of the clauses as they have come before the House? If the Deputy Minister's caseis that it has got to be added to any of these clauses 1 to 5, then his case is very strong. As pointed out by the Chair, I want to know not how it is relevant, but how it comes within the scope of the clauses as you have presented before the House. Unless you are able to convince us, this cannot be allowed.

Shri U. M. Trivedi: The question of convincing is not there. The hon. Minister himself admits this. What he wants to do is to amend the Code of Criminal Procedure, and not with reference to the Statement of Objects and Reasons wherein he has only mentioned the Prevention of Corruption Act and the Criminal Law (Amendment) Act. He has not said one word about the Criminal Procedure Code. Even there he is on shaky grounds. I should say it is not within the scope of the Bill.

Mr. Chairman: I would like to hear the hon. Minister on this point.

Pandit G. B. Pant: I will abide by the decision of the Chair.

Mr. Chairman: As a matter of fact, I quite, agree with the hon. Minister that this amendment constitutes a perfectly relevant piece of legislation which will certainly help to eradicate the evil which is the object of this Bill. There is no doubt about that in my mind. At the same time, this relates to another remedy which is not pointed out in the provisions of the Bill itself. It has got reference to the Statement of Objects and Reasons, no doubt. The preamble says, to amend the Prevention of Corruption Act and to make a consequential amendment in the Criminal Law Amendment Act. I take the scope from the provisions of the Bill and not from the Statement of Objects and Reasons. Judging it from that standpoint, I am constrained to hold that in my opinion his amendment also is not within the scope of the Bill. We proceed to the next amendment.

Shri Datar: That amendment also goes.

Mr. Chairman: It does go.

Clause 5.— (*Amendment of section 6, Act XLVI of 1952*)

Shri U. M. Trivedi: About clause 5, what we are intending to do is this. We are going to extend the scope of the sanction. The old provision was:

> "No court shall take cognizance of an offence punishable under section 161 or section 165.....

Now, we are extending the scope

[Shri U. M. Trivedi]

of the provision to sections 162, 163 and 164. The unfortunate position in the present law is this. We do feel that to prevent some honest officers from being pestered, some sort of protection must be given against frivolous and vexatious prosecutions. At the same time, the actual position obtaining in the criminal courts is this. The corrupt is prosecuted by the corrupt by a sanction given by the corrupt. That creates the whole difficulty in our law. We have not reached a stage when a particular strata can be called to be completely honest, and everything is above board. Sometimes, sanctions take 12 months or 15 months or 18 months. Before a valid sanction is given and a prosecution is launched, every evidence that has been collected is entirely destroyed or twisted or distorted. Therefore, in my opinion, once you make this offence cognisable, the question of sanction should not be extended in any manner whatsoever. I suggest that the present Ministers—both of them are advocates—may take stock of the position and see that this bogey of sanctions must go away so far as this law of corruption is concerned. What happens is this. I am in duty bound not to discose all the facts about cases. I remember a case where a very big officer of the Government of India, a very highly placed officer of the Government of India was forging false certificates and drawing moneys. He was recommended to be dismissed from Government service.

An Hon. Member: By whom?

Shri U. M. Trivedi: By the Union Public Service Commission. But, some Ministers found it incovenient that that man should be dismissed. A man who forged false certificates, falsified accounts, cheated the Government and did all sorts of things which speak of moral turpitude, was protected because this question of sanction stood in the way, and the man was not prosecuted. It is such a thing which is necessary to be stopped. We cannot always impute motives. I agree with the hon. Home Minister when he says that this will not be a panacea for all the evils. It is true; it is admitted on all sides that this cannot be a panacea. At the same time, we must strive and achieve a particular level where some sort of relief is given to the public at large, and this evil of corruption may stop. You, Sir, were one of the strong opponents of this provision. When the question of making the bribe-giver also a guilty person, equally to be prosecuted, came up, that gave a fillip to the bribe-takers. It helped the bribe-takers so much that now they cannot have any evidence of the bribe-giver against them. Apart from that, this question of sanction is such a big thing in their favour. A big officer generally may be in the good books of the.....

Shri Datar: May I just interrupt for one minute? The House is now dealing with clause 5. Clause 5 deals with section 6 of the Criminal Law Amendment Act and not Prevention of Corruption Act.

Mr. Chairman: He started with courts and is now talking about sanctions.

Shri Datar: Clause 5 have nothing to do with sanctions.

Mr. Chairman: He started with courts, etc., and protraction. So far as sanction is concerned, it is not the subject matter of clause 5.

Shri U. M. Trivedi: I am sorry; I thought I was speaking on clause 4. I am extremely sorry. If that clause is passed, that stage has passed; there is no doubt about that.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 1.—(*Short title*)

Mr. Chairman: I shall now take up clause 1. We have already passed an amendment inregard to clause 1.

The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula and Title

Shri Datar: I am not moving the amendment in view of the ruling.

Mr. Chairman: The question is:

"That the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

The Enacting Formula and the Title were added to the Bill.

Pandit G. B. Pant: I beg to move:

"That the Bill, as amended, be passed."

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed."

Some Hon. Members —rose

Mr. Chairman: The time is very short. Five minutes each.

Pandit K. C. Sharma: This Bill is very simple, but the problem is not simple. It is rather complex. The question of corruption in the services cannot be solved and has never been solved anywhere by hard measures. It requires radical change in the administration, the method of recruitment, the requisites in the intending young aspirants for the public administration cadre and the rules of increment and promotion and assignment of high important officers. There have been intolerable delays in the course of promotion by senority which should have been by the service and the capacity of the man.

Mr. Chairman: May I just remind the hon. Member that the scope of the third reading is very limited?

Pandit K. C. Sharma: I am simply saying that this measure is innocent. I do not object to it. I am for it, but what I am stressing is that the problem calls for radical changes in many directions, much more in the administration of the services, in the method of recruitment, in the method of promotion. This question of corruption, as I said, cannot be dealt with by hard rules, because, whatever the law, every law has to take cognizance of the fact that the security of the services and their morale must be maintained, and to have a sense of security and morale in the services, you must guarantee protection against vexatious proceedings.

My friend said that one corrupt man prosecutes another corrupt man and a third corrupt mangives sanction. I do not agree with it, because a prosecution is launched with honest motives. Otherwise, why should it be launched? The process of prosecution is honest, the process of sanction is honest. The law takes its own course and of course, there are difficulties. The Evidence Act involves certain difficulties as to what is admissible, what is relevant etc., and it is a difficult question. So, my respectful submission at this stage is that the whole problem is more a social problem rather than a legal problem, and it will take a long course of time before things are adjusted to their normal course and are improved upon. So far as this law is concerned, it will do a little good, of course, but not much.

Shri M. S. Gurupadaswamy: I feel that the measure is very disappointing. I consider that by being not very serious in eradicating corruption root and branch and by failing to bring an effective measure, we are only helping to create in the country an atmosphere in which people as well as officials would think that whatever measures be passed by Parliament, they could be brushed aside; and notwithstanding any measures, any laws, any directives, any exhortations made by the Home Minister or any Minister, they can still continue to commit malpractices and escape punishment.

Either we want to root out corruption root and branch, or we do not want to root it out. If we want to root out corruption root and branch then the measures that we adopt, the measures that we pass in this Parlia-

[Shri M. S. Gurupadaswamy]

ment, should be adequate to remove corruption once and for all. The more and more we pass measures, the more and more we see the spread of this disease of corruption and bribery, and our preventive measures are in a way becoming promotional measures. This Prevention of Corruption Act has really, I feel, promoted the growth of corruption, not merely because there were some loopholes in the measure, but also because there is something wrong in the execution or implementation of the provisions of the Act. And there has been a feeling in the official world that they can commit wrong and at the same time escape.

In this measure we have been dealing with the cases of touts and agents, and I am wondering how to make a distinction between a tout and his master. Take for example a constable. He is an agent of the Jamedar, and the Jamedar is the tout of his superior officer, the sub-inspector. The sub-inspector is the tout of the inspector or the Assistant Superintendent of Police, and it is a general phenomenon that the lower officers act as agents or touts or intermediaries of their superior or higher officers. So, you will see the Government departments are nothing but a chain of touts and agents. One cannot distinguish as to who is a tout and who is not a tout. Each is a tout to his superior officer. There may be honest exceptions. I do not condemn wholesale all the officers, but exceptions are only exceptions.

After we got independence, after the Congress came to power, the one thing we expected was that the people would get justice, would get their things done by Government without making any payment. Unfortunately that has vanished. People were hopeful before, but are now losing hope and are disappointed because now nothing can be done in any department of the Government without paying *mamul*. It has become so common and so natural everywhere that without payment nothing can be done. I feel that this is very dangerous. We should not allow this to happen. We should not allow this to continue or increase.

Some figures were quoted by an hon. Member to show that many of the prosecutions launched by the Government have resulted in acquittals—not because the officers were honest, but because there was some loophole in the law we made.

Why is this kind of thing happening? It is happening because the officials today are feeling more and more that they are not the only men who are culprits, but even the Ministers are culprits; and they feel confident that they might escape punishment because they know that their own rulers, i.e. the Ministers are not above board. I expect in our democracy that Caesar's wife should be above suspicion.

Shri Kamath: Even Caesar should be above suspicion.

Shri V. P. Nayar: Why only Caesar's wife? Even Caesar should be above suspicion.

Shri M. S. Gurupadaswamy: Yes, even Caesar; I agree. Unless the people who rule us, and who are Ministers are above board and they themselves obey the laws of the country, there is no hope for us. Everybody knows that power corrupts. Certainly, power corrupts, but in our land, it has corrupted too much both our officials as also our non-officials who are Ministers. I want that there should be a check on the corrupting influence of power on both. Today the officials are behaving as though they are not responsible either to Government or to the public, and the forms of corruption and the shades of corruption are becoming more and more subtle with the result that corruption has become a sort of fine art; and bribery and corruption have been practised on a large scale. And unfortunately all these measures which have been passed by Parliament has proved ineffective. They have proved a failure. They have become mere farce, and they have been passed just to hoodwink the public by impressing on them that the Congress Government or

the ruling party is somewhat serious to eradicate corruption. More than that, they have not achieved anything.

Let us not create a false impression in the public mind by passing half-hearted measures. Let us think seriously how we can not only control corruption but eradicate corruption. Let me point out one case in this connection. I want to know from the hon. Home Minister whether he has taken any steps to see that the ill-gotten gains or the wrong acquisitions made by officials are confiscated. Has he considered the question that some of the officials today have amassed vast amounts of wealth by illegal means? If so, how has he dealt with this question? Take, for example, the case of a sub-registrar, or a tehsildar or an inspector. The salary of an excise inspector, for instance may be very low, but you will find him owning a beautiful car, and a house of his own. In most of the cases, he does not possess his own property. And yet he would own a car, a house and a huge amount of money. Have Government been able to find out the source of their income? Has any enquiry been held in respect of these cases? I know many cases where officials carry on business or trade in the name of their relatives.

Shri V. P. Nayar: As insurance agents, for instance.

Shri M. S. Gurupadaswamy: Again take the case of lands. Government land, that is, Darkhast land is purchased by the officials in the name of their relatives. What steps have Government taken to check these malpractices? Have Government made any enquiry to find out the sources of income of these officials? I know that the Ministers do not want to do anything of that sort, because in the end it may act like a boomerang on them, for they are afraid of their own actions. That is the only interpretation that I could give. If that is not so, then why should the ruling party be afraid of conducting an enquiry and acquiring all the properties gained by the officials by wrong means?

Mr. Chairman: I am sorry I have to interfere in the speech of the hon. Member. We are now in the third reading, and as such only such matters as arise out of the amendments that have been accepted can be discussed. The hon. Member has already roamed about this way or that way to the fullest extent of his desire.

Shri M. S. Gurupadaswamy: I shall conclude in a minute or two.

I want the hon. Minister to bring in a comprehensive measure to deal with such cases. I wish that a measure should be enacted by which all the properties got by the officials by improper means should be forfeited, and given to Government. If Government deal with these cases in such a manner then I am sure that we can create a proper atmosphere for honesty and morality in the country; otherwise, we would fail. But before we do so, I expect the Ministers themselves to behave in a very honest manner. Unfortunately many Ministers have failed our expectations.

Shri S. L. Saksena (Gorakhpur Distt.—North) *rose—*

Mr. Chairman: It is now about 4-35 P.M. and if we are not to exceed the time.....

Shri Kamath: Was there any time-limit for this?

Mr. Chairman: Yes.

Shri Kamath: How many hours?

Mr. Chairman: About three hours were given by the Business Advisory Committee last time for this Bill. As a matter of fact, it was not made an order of the House, for it was not put before the House, but it was a suggestion, and we accepted that suggestion. I think we have done much more so far as this Bill is concerned than we

[Mr. Chairman]

could have done if we had been narrowed down to the natural scope of the Bill. I think the matter has been sufficiently discussed.

Shri Kamath: We did not consider any allotment of time for this Bill.

Mr. Chairman: It was suggested that we should have three hours for this Bill, and I have accepted that.

Shri Raghunath Singh (Banaras Distt.—Central): That was accepted by the House.

Mr. Chairman: This Bill has been fully discussed. So, I shall take up the next item.

Shri S. L. Saksena: There are about 20 minutes more left for today.

Mr. Chairman: Even those 20 minutes are precious in the life of Parliament.

Shri S. L. Saksena: But this is an important measure.

Mr. Chairman: All right. If the hon. Member wants to speak, he may do so. But he must confine himself to the exact scope of the third reading.

Shri S. L. Saksena: So far as the Bill goes, I welcome it. But as the hon. Home Minister has himself admitted, it is not a panacea for the evil of corruption. I, therefore, join my hon. friend who spoke just before me to say that a more comprehensive measure to eradicate corruption from our services as well as from the traders who evade the taxes etc., should be brought.

In fact, my complaint is that sometimes when occasions for corruption arise, it is said that corruption has been checked. My feeling is that probably some of our high-ups do not really realise how far this evil has come to prevail. I would wish that just as in the case of the railways you appoint a commission to enquire into the incidence of corruption in the services and other branches of administration also.

You know very well how all the district courts are full of corruption. You cannot do anything without giving money even in the smallest case. The same thing is true of the police services also. Whenever there is a murder case, it becomes a feast for the officials who investigate into it. The hon. Home Minister has been in charge of a whole State for so long, and he knows to what extent this sort of corruption prevails. I know his zeal in the matter of putting down corruption, and I would therefore suggest, now that he is here in charge of the Home Ministry at the Centre, that he should do his best and try to bring forward a Bill which would be comprehensive enough to eradicate the biggest evil.

We are now going to have the Second Five Year Plan, and we are going to spend nearly Rs. 5000 crores on it. But we would not get full advantage of it, if half the amount goes into corrupt channels. You know, in the Bhakra-Nangal and the Damodar Valley projects there have been a lot of complaints about corruption, and enquiry committees were set up to look into the matter. I would say that we should profit by those experiences of the last eight years. Hence I would suggest that a commission of enquiry should be set up to go into all these matters so that in our new Plan, we may not be committing the same fault.

I was in China recently, and I was greatly impressed by the fact that corruption has completely vanished there. You can have shops on the platforms there without any sellers, and you can have books or stamps or tickets etc., by just putting your money into the cash box; and there will never be any shortage of cash.

Similarly in hotels, people could go and place their valuables anywhere; nobody would touch them. That is the sort of public morality and integrity that should come in our country too. In China, they had two movements—Wu fan and San fan—to eradicate corruption from government officials and traders. Officials and traders were asked to confess their crimes; if they did so, they were pardoned.....

Mr. Chairman: Order, order. May I respectfully call the attention of the hon. Member, whom I have reminded already, that he should confine his remarks within the third-reading scope of the Bill.

Rule 132 says:

> "The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech, a Member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character".

Now, he is referring to what is happening in China or other countries or parts of the world. He is not in order in suggesting new things, new machinery etc. At this stage I will not allow him to roam about, as I have already allowed other Members to roam about. We are now concerned with arguments in support of or against the Bill.

Shri S. L. Saksena: But I can suggest a comprehensive measure.

Mr. Chairman: Not at this stage. We are now only concerned with the Bill as it is, either arguments in support of or against the Bill.

Shri S. L. Saksena: Can we not even discuss that? Can that be disallowed?

Mr. Chairman: There is no question of disallowing. The rule is clear. In obedience to the rules, I have pointed it out to the hon. Member. The hon. Member can adduce arguments in support of the Bill or against it; nothing more can be done.

Shri S. L. Saksena: But I have said it is not enough.

Mr. Chairman: It means, he either supports it or opposes it. He has already said that he supports the Bill; he is in favour of the Bill. Now, he is arguing against the Bill.

Shri S. L. Saksena: I support it so far as it goes.

Mr. Chairman: Of course, it cannot be supported so far as it does not go. I have read out the rule which is binding on him and me.

Shri S. L. Saksena: If I am criticising the Bill, does it mean opposition?

Mr. Chairman: The hon. Member himself said that he supports the Bill, so far as it goes. Now he could not oppose it in so far as it does not go.

Shri S. L. Saksena: I am referring to conditions of support.

Mr. Chairman: There is no question of conditions. He has said that he supports the Bill. Now he cannot attach conditions.

Shri U. M. Trivedi: He is giving conditions of support.

Mr. Chairman: At the same time, I requested him to kindly confine his remarks to the third-reading scope.

Shri S. L. Saksena: I would only suggest that this Bill is not sufficient. If you call it opposition, you may do so. There should be a more comprehensive measure to deal with corruption. I feel that with the present need for fulfilling our plans, this greatest evil in our body politic should be rooted out completely. The Commission I have suggested could go about and study how far this evil prevails in the country and suggest measures for its eradication. That is the sort of Bill we want. If the Home Minister brings forward such a Bill, it will be a monumental measure to his credit in the future. Then our Five Year Plans will have full value. I hope this will be done.

I would like to say one thing more. My friend suggested about sanction. I think in the new Bill that is before us there should be a clause that sanction for prosecution should not be there.

Pandit G. B. Pant: I do not think it is necessary for me to deal with the speeches that have been made, but I just want to make a few remarks. I think repeatedly exaggerating the extent of corruption, the existence of which is not denied, will recoil on our society and on ourselves. We want our people to be clean, but the way to clean them and to raise their standard of purity does not lie through wholesale condemnation of the entire community. Our officers are being invited by distant countries and they often come back with laurels, with plaudits and with high praise. Our machine would have cracked if it had been corrupt to the extent some people allege it to be. It has a heavy burden to carry. It has to maintain peace in this vast land. It has to work for the uplift and progress, for the promotion of unity and security, and to a large extent, it depends on the morale of our people, on the morale of our services. I must say that the few black sheep that may be here and there should not in any way delude us and lead us to the conclusion that everything is black. Let us not look at things with a jaundiced eye. Our efforts should be not to have a single corrupt man in the services. Let us remember that all those in the services today are our own kith and kin. They represent and reflect the morale and the standard of our society. If there is bribery, there is some one who gives and there is some one who takes. There are a few who resort to such practices. Let us not then unduly magnify the evil. While sticking to the determination that no single public servant should be unclean in his methods or ways, let us remember that it rests with us to a large extent to build a society which is really high in morals and in its spirits and in its ideals. Keeping that before us, let us not exaggerate the dificiencies which are really of a very limited character. On the whole, those who are responsible for running the administration of this country have been doing a fine good job for which we all should thank them.

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

UNIVERSITY GRANTS COMMISSION BILL

Mr. Chairman: Maulana Azad.

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das). *rose.*

Shri Kamath (Hoshangabad): Is the Minister unable to be present here in the House?

Mr. Chairman: Evidently, he is absent.

Dr. M. M. Das: I beg to move:

"That the Bill to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Comission, as reported by the Joint Committee, be taken into consideration".

Shri U. M. Trivedi (Chittor): On a point of order. Can a Parliamentary Secretary move a Bill? He is in the capacity of a private Member, no more than a private Member. This is not a private Member's Bill. Can he move it?

The Deputy Minister of Education (Dr. K. L. Shrimali): The Parliamentary Secretary is authorised to move the Bill, and the Deputy Minister is present here.

Shri Kamath: Under what rule of procedure can he move the Bill?

Mr. Chairman: Under what rule does the hon. Member want to object?

Shri U. M. Trivedi: The Member in charge alone can move it.

Mr. Chairman: I understand the hon. Member cannot cite any rule or authority under which he raises the objection. The word 'Minister' includes Parliamentary Secretary according to the Rules of Procedure.

Shri U. M. Trivedi: I am sorry. You, Sir, are a lawyer. Negative is never proved. I can show a blank paper; a negative is not to be proved. What I say is that there should be a positive assertion on their side.

Mr. Chairman: According to the definition given in the Rules, Minister includes Parliamentary Secretary.

Shri Kamath: Where is the definition?

Mr. Chairman: I have seen it in the Rules of Procedure.

Shri M. S. Gurupadaswamy (Mysore): In the Constitution, there is only mention of Council of Ministers; there is no mention of Parliamentary Secretaries. So it does not include Parliamentary Secretaries.

Mr. Chairman: Does he quote any rule in support?

Shri M. S. Gurupadaswamy: According to the Constitution, a Minister does not include Parliamentary Secretary.

Dr. M. M. Das: May I make a submission that this is not the first occasion when I have moved a Bill.

Mr. Chairman: The hon. Member himself moved the Bill on the last occasion.

Shri U. M. Trivedi: Two wrongs do not make one right.

Dr. M. M. Das: The University Grants Commission Bill, which is before the House now was referred to a Joint Committee of both Houses on the 28th February 1955. The discussion that took place upon the motion of referring the Bill to a Joint Committee lasted for about six hours. During this discussion not only the broad principles and the objects and reasons of the Bill were taken into consideration but also each and every provision of the Bill was subjected to a detailed scrutiny by a large number of hon. Members who took part in the discussion. Thus both the Central Government and the Joint Committee had an opportunity of acquainting themselves with the views expressed on the floor of this House by hon. Members and profit from them. The Joint Committee held ten sittings in all and submitted their report on the 29th July. The Committee had the great advantage of having among its members a number of Vice-Chancellors and Professors of great eminence and repute. With the advice and guidance of these eminent educationists who command the confidence of the country and who are universally respected, the deliberations of the Committee were conducted in most harmonius, non-partisan and cordial manner.

Shri Kamath: Did the Parliamentary Secretary attend the sittings of the Committee?

Dr. M. M. Das: Certainly I attended and that is why I speak with authority. I shall greatly fail in my duty if I do not at this stage pay a tribute to the pains and care that the Joint Committee took in discussing the pros and cons of every controversial question and trying to reach some agreed decisions. The Committee was fully conscious of the great importance of this measure and its far-reaching consequences. They never forget for a moment that they were dealing with the universities, the supreme, the greatest educational organisations of our country, upon whose well being and development depends the future of India. The House will remember that the majority of the Members who took part in the debate proceeding the referring of the Bill to the Joint Committee, without any dinstinction of party affiliations expressed great concern and laid great emphasis upon the academic independence and autonomous character of our universities. Many of the Members expressed the fear that the University Grants Commission will be nothing more than an appendage of the Central Government, and the Central Government through this Commission will exert undue influence upon our universities, with the result that the autonomy of the universities will be endangered. For the

[Dr. M. M. Das]

satisfaction of the hon. Members who expressed such a view, I may submit that the maintenance of the academic independence and autonomy of our universities were the keynotes or the guiding principles of the Committee. The Committee all through its deliberations was extremely anxious not to include any provisions—even a sentence, even a word—which would be construed to give either in the hands of the Central Government or in the hands of the Commission some authority over the universities. If the two Bills—the original Bill which was introduced in this House and the Bill that has come from the Joint Committee—are compared, hon. Members will be convinced that great care was taken by the Committee to eliminate everything which would be construed, according to some Members, to be detrimental to our universities. Not only that the provisions which were considered objectionable by the Committee were omitted but new provisions were added, words were added, sentences were added, which would ensure the full autonomy and academic independence of our universities. In fact, if I may say so, the Committee has reduced the University Grants Commission into a mere advisory consultative body, having no power to enforce its recommendations or decisions.

Shri D. C. Sharma (Hoshiarpur): Then withdraw the Bill.

Dr. M. M. Das: The penalty clause about which many Members spoke with great grievance has been drastically revised and today the University Grants Commission has been authorised to give only this punishment namely, that if a university does not agree or refuses to carry out its recommendations, then it can only withhold its grant; no other punishment can be imposed by it.

Shri U. M. Trivedi: That is the biggest penalty.

Dr. M. M. Das: The Government of India, in keeping with its true democratic traditions and as a true believer in the academic independence and autonomy of our universities.....

Shri Kamath: The Minister or he?

Dr. M. M. Das: Both; I am acting on behalf of the Minister. The Government have accepted the report of the Committee *in toto*. The only amendment which we propose to move at a later period is about the disbursement of the maintenance grant to the four Central Universities—Aligarh, Banaras, Delhi and Viswa Bharati.

I may mention in brief the important changes made in the Bill by the Joint Committee. The first important change suggested is about clause 2, sub-clause (f). The Committee considered that affiliated colleges should also come under the purview of the Commission and the Commission should give financial aid to affiliated colleges of our country. But the Committee also realised that the limited resources at the disposal of the Grants Commission would not permit them to deal with all the affiliated colleges in the country, whose number is rather very large. The Committee, therefore, empowered the Commission to select for grants from affiliated colleges whom they think proper on the recommendations of the university concerned. The next important change suggested by the Committee is in clause 5, about the constitution of the University Grants Commission itself. Three changes have been proposed by the Committee. Firstly, as a result of this change, the number of members of the Commission has been fixed at nine. Secondly, non-official members are in a majority. Thirdly, the chairman will have to be nominated from among the non-official members.

Regarding the terms and conditions of the members of the Commission, two changes have been proposed, one is clause 6, sub-clause (1) and the other in clause 6, sub-clause (4). Firstly, power has been taken away from the Central Government to terminate the service of a member before the usual period unless he incurs some disqualifications according to the

rules framed under the Act. Secondly, the specific provision that the Chairman should always be a wholetime officer has been done away with.

5 P.M.

Mr. Chairman: May I know if the hon. Member will take some more time?

Dr. M. M. Das: About seven minutes.

Mr. Chairman: Then we can continue tomorrow.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday the 23rd November, 1955.

DAILY DIGEST

[Tuesday, 22nd November, 1955]

COLUMNS

MOTION FOR ADJOURNMENT 139

The Speaker postponed his decision on the admissibility of an adjournment motion given notice of by Shri A. K. Gopalan and Shrimati Renu Chakravartty regarding the situation arising out of the firing in Bombay on the 21st November, 1955

PAPER LAID ON THE TABLE . . . . . 139—40

A copy of the summary of the budget estimates of Revenue and Expenditure of the Indian Airlines Corporation for the year 1955-56, under sub-rule (5) of Rule 3 of the Air Corporations Rules, 1954

COLUMNS

BILL INTRODUCED . . . 140

Motor vehicles (Amendment) Bill .

BILLS PASSED . 140—43, 170—254

1. Press and Registration of Books (Amendment) Bill . 140—43
2. Prevention of Corruption (Amendment) Bill . . 170—254

AMENDMENTS MADE BY RAJYA SABHA IN BILL . 143—69

Amendments made by Rajya Sabha in the Companies Bill were considered and agreed to

CONSIDERATION OF BILL. 254—80

University Grants Commission Bill, as reported by the Joint Committee, was considered. Motion to consider was moved by Dr. M.M. Das and his speech was not concluded